

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, April 3, 2012 at 2:00 p.m.

**PRESENT:**

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

**ABSENT:**

Jodi Giglio,	Councilwoman
--------------	--------------

(The Pledge of Allegiance was recited)

Supervisor Walter: "Rev. Cooper, is you want to step up."

Rev. Cooper: "Thank you, Supervisor. Proverbs Chapter 11 Verse 10 and 11 says when it goes well with the righteous, the city rejoices. By the blessing of the upright, the city is exalted but it is overthrown by the mouth of the wicked. Let us pray.

Father, we just want to thank you again for this (inaudible) body, Oh God, and for the citizenry who have come forth to give their grievance, give their petition, give their opinions, oh God.

We ask that you would give the town board members, oh God, their— your unduly attention. Give them wisdom, understanding and knowledge, oh God, how to deliberate, how to receive all that they hear and how they come together and make the right decisions, oh God.

That those who— the youngest to the oldest may enjoy this land

that you have given to us, that the richest and the poorest, oh God, can enjoy the waterways, oh God, the trees, the birds, the land, the flowers, oh Father. We ask oh God that you will bless these, your people, that the city may continue to rejoice in this new season that you have given to us and we ask all things in your name, Jesus, we pray. Amen."

Supervisor Walter: "I've got a somewhat personal announcement. If I leave the dais, my mother is— this morning when I saw her in the hospital, her blood pressure was 30 and that was it. The family is sitting vigil with her. Obviously I'm a little choked up.

If I leave, I'm going to ask Councilman Dunleavy to run the meeting. I'm going to try to stay as long as I can. Councilwoman Giglio is very ill today. She had some surgery on her knees and they're swelling up and she's got some real problems so she's now able to be with us this afternoon.

So Rich Gadzinski, are you here? Rich, come on up. Didn't I give this to you or did I forget it the last time? I forgot. What are you going to do?

John, you want to do that. I forgot to bring it, right?"

Councilman Dunleavy: "Rich Gadzinski is a long time town employee. He's done a lot for the town of Riverhead for our volunteer ambulance corps. He was chief of our volunteer ambulance corps, actually he's one of the charter members of the Riverhead town volunteer ambulance corps.

He's also a member of the Riverhead fire department and he's been a member of the Riverhead fire department for over 50 years now.

So we'd like to congratulate him for what he's done for the town of Riverhead; all he's done for the Riverhead fire department; and for the 50 years that he's put in there.

Congratulations."

Supervisor Walter: "Rich, are any of your family here?"

Councilman Dunleavy: "And the supervisor and the town board

declare Richie Gadzinski Day for the 50 years of service today."

Supervisor Walter: "You know it's interesting. Your father and your brother were chiefs in the fire department. Correct?"

Rich Gadzinski: "That's correct."

Supervisor Walter: "I knew I went to that- I learn something. Thank you, Richie."

Councilman Dunleavy: "Thank you."

Rich Gadzinski: "You're welcome."

Supervisor Walter: "Okay, Jim, that's for you. Take the microphone."

Councilman Wooten: "Thank you, Richie. Actually it's become a tradition to- during the day meeting to showcase one of our dogs at the animal shelter.

Jessica- today we're going to have Geena. Where are you? Geena is an American Staffordshire Terrier mix. It's a female, she's spayed, she's about two and a half years old and it says she's an extremely playful dog who loves attention and would play with you for hours.

She's up to date with her vaccinations and micro-chipped and Geena would do best in a home where she has a yard to run in and older children to play with. So, Geena. She's a great dog."

Supervisor Walter: "You know, there's a lot of people in the audience. If we could accomplish one good thing today, the adoption of Geena would be great. So maybe somebody in the audience might want to take Geena home.

All right. Thank you, Jessica.

All right. We are going to have the Riverhead girls basketball team come in at 2:30 when school ends so just I know that's in the program, but just bear with us for that.

All right, John, if you could move the minutes."

Councilman Dunleavy: "Okay. I'd like to move the minutes of the March 20<sup>th</sup> regular meeting and the March 22<sup>nd</sup> special meeting. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Before you do Reports, I want to say something. In the town hall-- I don't know if you folks have seen it in my office. We needed a desk. We have conferences in my office all the time and we needed a conference table and, you know, we didn't want to spend the money for the conference table."

And Guy Pauley (phonetic), and really Guy gives the credit to Gary Hubbard who I think Gary did 90% of the work. They built me a conference table that is absolutely spectacular, so I tell you, the public want to see their work you are welcome to go take a look at it in my office, the board members. It's absolutely just fine cabinetry so they took a couple raw pieces of wood and Gary Hubbard and Guy Pauley and the rest of the crew of buildings and grounds turned it into a fine piece of furniture so I thank you.

That's the only report I have. Diane."

Diane Wilhelm: "We'll start with Reports."

**REPORTS:**

Tax Receiver	total tax collection to date, March 21, 2012 - \$67,571,820.18
	total tax collection to date, March 14, 2012 - \$67,737,542.29
Building Department	March 2012 monthly report - \$46,263.00
Town Clerk	March 2012 monthly report - \$10,811.67

**APPLICATIONS (pending town board approval):**

Martha Clara Vineyards      tent for public use at vineyard -  
May 24 - July 9

Riverhead Elks Lodge      carnival - May 25 - May 28

Jamesport Firemen's      annual firemen's carnival - July  
Assoc.      10 - July 14

Polish Town Civic Assoc. Annual Polish town fair - Aug.  
18 and 19

Diane Wilhelm:      "We have a lot of correspondence."

Supervisor Walter:      "Do you want to read- you don't have to  
read them. Yeah, the correspondence is in the bulletin."

Are there any other reports, town board reports, May reports?"

Councilman Gabrielsen:      "Yes. I'd just like to announce that  
that time of the year is coming again, the Riverhead cardboard boat  
race. So June 24<sup>th</sup> on Sunday it's going to be held this year."

Supervisor Walter:      "And who's the king of the river? The  
queen two years ago was Southampton Ann Throne-Hulse supervisor. So  
we- last year it was a little interesting. We had to use a canoe  
paddle because the kayak paddle- "

Councilman Gabrielsen:      "Don't diminish your win. It was a  
great win. Proud the town of Riverhead has got the title back.  
Southampton had it. We took it back- "

Supervisor Walter:      "We've got to get Scott Russell and Mark  
Lesko. Well, Lesko, you know, the Peconic River starts in Lesko's  
home town so we should see if we could get him. He's a big guy  
though so I don't know, he might be tough to beat."

Councilman Gabrielsen:      "It was quick last year."

Supervisor Walter:      "All right. Any other reports?"

All right, we have one public hearing and what we're going to  
do today because it's sort of time critical, if there are no-

there's no public outcry, we actually have the Eagles over here if you want- we're going to be putting a water main in and I don't want to lose any time on this because it's critical for the upcoming water- lawn watering season.

So I'm going to ask the town board if there's no major comments to take the resolution off the floor to authorize us to move forward so we save a couple of weeks.

So 2:05 having arrived and left we are going to open a public hearing."

Public hearing opened: 2:14 p.m.

Supervisor Walter: "For all interested persons- to hear all interested persons about the approximately 3,200 feet of 12 inch transmission water main along Route 105 from Plant 17 to the existing high zone water main on Sound Avenue.

Mr. Kelleher, would you let us know what's going on?"

Dennis Kelleher: "Good afternoon. My name is Dennis Kelleher- is this on- good. Dennis Kelleher from the engineering firm of H2M. We are the consulting engineer for the Riverhead water district.

This afternoon I'll be talking about the proposed project which we call the Route 105 transmission (inaudible).

As the board knows, the water district has recently completed pump station No. 17 with a new supply well. It's shown on- highlighted in blue in the middle of the figure shown. That is the Riverhead fire district property at the intersection of 105 and Northville Turnpike.

The well was actually used temporarily last year and it's excellent quality, excellent quantity. It is tied into the existing water main right in front of the property which is part of the Riverhead water district low zone.

What we experienced last summer when- on a hot day when people were using a tremendous amount of water, when early in the morning automatic sprinkler systems kick on, drain down our tanks and all the wells turn on to try to fill those tanks up.

The wells that are in the low zone, the new well 17 and the new well at 15 on Tuthill's Lane really fill up all the tanks in the low zone very quickly.

So what was happening was before the high zone tanks are filled, the low zone tanks are filled and tells well 17 and well at 15 to shut down.

What we'd like to do at this time is- so additional water mains from well No. 17 and tie it into the high zone so actually well 17 can actually be directed to the low zone and the high zone where the water is needed.

In order to do that, we need to install approximately 3,200 linear feet of 12 inch pipe along Route 105 up to Sound Avenue. There's existing 12 inch pipe in the high zone on Sound Avenue. That is the nearest connection to the high zone.

We hope to get this thing done as quick as possible. We've had a tentative schedule- as the supervisor has mentioned, we won't be able to go out to bid-- if this is approved today and have public bidding and have the bids back to the town by the May 1<sup>st</sup> town board meeting and awarded at that time.

So we could then have a contractor install the pipe before the start of the pumping season.

In order to install the 3,200 feet we have estimated the total project cost to be \$329,000. That includes construction costs, engineering, inspection and administration.

This entire cost will be taken out of the district's existing reserve account so it will have no impact on the operating budget as far as tax rates and water rates.

And that should do it."

Supervisor Walter: "All right. Mr. Kelleher, thank you. Does anybody wish to be heard on this matter? Okay. Not seeing anybody, we're going to close the public hearing and since there's no comment, we'll take that resolution off the floor so we can move forward quickly.

Public hearing closed: 2:17 p.m.

---

Supervisor Walter: "What I'd like to do now is take public comment on resolutions. Gary, I just want to thank you. You did a great job. Gary Pendzick went through and as George Gabrielsen did for a recent park and rec fees. He scoured all the accounts to find every last nickel so he could do this without going to bond.

And I also want to announce something and I don't see Bill Rothaar in the audience. He's probably-- maybe sitting out there.

We are-- the town is about 75% of where I think it needs to be financially which is huge compared to where we came from and the reason I say that is we sold-- last week we refinanced \$38,000,000 in bonds and with the premium we were able to refinance \$38,000,000 of bonds for \$36,000,000 at 2%.

The savings to the town and to the taxpayers over-- across all the accounts I believe are \$400,000 a year. So we are on our way, folks. We're not finished, but we're on our way.

And is Jim DeLuca here? Oh, Jim your class is here. I didn't see you back there, I'm sorry. Jim DeLuca's government and building code regulation class from SUNY Farmingdale. I was supposed to be in Farmingdale today, I never made it-- is here. Why don't you guys stand up so we can see who you are? All right.

These-- a lot of these guys are probably your future architects, engineers, maybe people that work in the building trade. These are the guys that are out there trying to figure out how to work with the next generation of building codes and towns and municipalities and they come to these meetings.

And this will be an interesting meeting. I don't know how long you'll stay but a lot of the people from Jamesport are here to talk about something that the town board may pass this afternoon so you are really going to get to see public at work-- the government at work.

So we thank you guys for coming and have a seat. Is there any girls in that class? No. Man, it stinks for you guys.

All right. Let's-- we're going to take public comment on resolutions now and we're going to stop that at 2:30 and at 2:30 we



hope that the girls basketball team from Riverhead will be here and we've got- oh, they just came in? Oh, great. Well, let's do that.

We're- they're not all here? All right, we'll wait until they're here. Well, just stand by, let's see. It doesn't look like they're all here.

So we'll take public comments on resolutions. Why don't you folks start coming up? You want to be first? We're going to do public comments on resolutions and then we will cut that off at 2:30 when the girls basketball team are here."

Phil Barbato: "Thank you, sir. I played basketball, too. I know how important that is."

Supervisor Walter: "You look- you're going to have to speak right into it."

Phil Barbato: "How's that? Better?"

Supervisor Walter: "That's better. Tara, we need to turn that up but she doesn't look like- "

Phil Barbato: "I'd like to make a comment on the resolution related to the Village at Jamesport, special permit."

Supervisor Walter: "What number is that?"

Phil Barbato: "I have no idea."

Supervisor Walter: "Okay."

Phil Barbato: "I think it's probably the last one."

Dear Riverhead Town Supervisor and Town Council Members:

The special permit application for the Village of Jamesport development which you are apparently prepared to vote on today, must be denied.

If you still require any rationale for this denial, you need look no further than the carefully researched and clearly presented information already submitted to you by our neighbors Larry Simms, Georgette Keller and Richard Wines.

By now you must know that this proposed development does not pass the most basic criteria required for you to grant a special permit. You must know that the tax revenue and bistro design information provided to you in the environmental impact statement is, at best, mistaken; that the northern boundary of the RLC zone is inexplicably twice as far from the Main Road as other similarly zoned parcels in the area, that the Jamesport community will receive no additional benefit from this project; and that there are many significant disadvantages to the community if this is allowed to go forward.

I also ask that you consider the possibility that a major motivation behind this application is simply to mine the sand and gravel from this site.

The stated removal of 65,000 cubic yards, at today's prices, would provide over three-quarters of a million dollars to the developer even before a single building is constructed on the site.

Such a sand mining operation would forever modify the contours and the water flow of this hamlet, potentially endanger surrounding properties due to increased slopes, and create an ugly scar at the western entrance to Jamesport.

In fact, this project is destined to be an eyesore either way; either an unsightly hole in the ground or a large collection of vacant buildings.

You must consider this project as a large net loss to our community, acknowledge the public trust we have placed in you, and deny this application."

Supervisor Walter: "Thank you. Do you want to submit that into the record?

Okay. Next speaker and if you would just tell us your name and hamlet, that would be much appreciated."

Tom Kowalsick: "Hi. My name is Tom Kowalsick."

Supervisor Walter: "Where are you from, Tom?"

Tom Kowalsick: "1520 Main Road in Jamesport."

Supervisor Walter: "Spell the last name, sir."

Tom Kowalsick: "K-O-W-A-L-S-I-C-K. And I, too, are here to comment regarding the special permit for the Village at Jamesport.

I would also— don't have it here in my letter but support what Mr. Barbato said and especially what he was mentioning in regard to adjoining properties because we adjoin that property and we're real concerned with what's going to happen if all this excavation occurs. Because our property is up probably 15 feet or so above the Main Road and they're talking about leveling this down to Main Road. So there's some real concerns there.

But anyway, since 1980 my family has lived on the Main Road in Jamesport and our property is located on the western border of the proposed development referred to as Village at Jamesport.

So your decision today has as much impact on our quality of life compared to probably anyone that is for or against this project. We are opposed to the special permits being requested for this development.

For over 30 years we have lived here knowing that this property would probably be developed into small shops that extended the charm of the existing hamlet of Jamesport. This is what in our opinion was called for in the master plan for the town.

Do you really think we would have stayed here, paying the property taxes that we do, knowing that the town was going to approve two 4,000 square foot bistros in our backyard?"

Supervisor Walter: "I just want to let everybody know in the resolution, if you read it, they are limited to 2,000 square feet."

Tom Kowalsick: "Well, that's bigger than I (inaudible).

Do you really think that it was the intention of those who worked so hard on the master plan for this town to allow 2,000 square foot bistros in the hamlet of Jamesport and which are probably going to end up being fast food establishments - because really, how many 2,000 square foot bistros do you see anywhere?

Okay. We're sure that most people's idea of a bistro is something on a scale of maybe like that new (inaudible) restaurant

located in the hamlet of Jamesport. That restaurant appears to be roughly the size of the footprint of our home which is about 700 square feet. So each of these proposed bistros in the Village at Jamesport would have a footprint— well, if it was 4,000 square feet, over five times as large as our home. So now that's half because you're saying 2,000 square feet. Whatever.

We keep hearing about the owner of this property and his rights. Well what about our rights as property owners? We were here before he was. He purchased the land knowing the intent the master plan had for Jamesport.

To our knowledge, there's probably— this is probably the first large project proposed in the hamlet of Jamesport that would fall under the zoning in the master plan for the town. That's to our knowledge. You have not given the master plan a chance to work. Why do you feel the need to rush and approve special permit requests for the project and what precedents do you now set for the remaining undeveloped parcels in and around Jamesport?

Once you approve a special permit for one parcel, you open the floodgates for all kinds of other special permit requests. This over-development of an area beyond the intent of the master plan is often the most damaging result of the special permit request in my opinion.

Mr. Walter, I don't know if you remember, but I spoke with you one morning for about a good half hour outside the Aquebogue post office when you were running for election and I mentioned my concern regarding your comment of the master plan for Riverhead town because, you know, you had headlines about that.

Because my property bordered this proposed Village at Jamesport. And you gave me I think at that time a reasonable explanation for why you made that comment.

I told you I was concerned about the special permit request also for that Village at Jamesport and at that time, outside of that post office, you told me you were not in favor of any special permit for the project.

I believed you, my wife believed you, we voted for you, we hope we can still count on you."

Supervisor Walter: "I just want to- I do remember you."

Tom Kowalsick: "It was a good half hour I talked to you."

Supervisor Walter: "I don't remember all the nuances of the conversation but, and this may not sit well with some people. But when you look at the special- the way the board has to look at this is you take the special permit for the professional office and the bistro which quite frankly in our code I don't know what a bistro is.

It's a silly definition in our code. It should just be restaurant, 50 seats.

Be that as it may, when you look at the impacts, you have to take the impacts of two small restaurants if that's what they are, and the impacts of professional office and what you- the only logical way to look at these things, because we did restrict them to 2,000 square feet.

The only logical way to look at them is to look at the impacts of what the other uses would be and it may be for the board- one of the things for the board to make a decision on, is it better to have a more diverse facility- well, I don't want to say facility, but more diverse development with bistros and professional office and retail or do you want it all retail?

And so that's, you know, that's what we looked at- if you had retail, what are the impacts because that's permitted as of right and then you look at professional office and what are the impacts vis a vis retail and then you look at bistro, what are the impacts vis a vis retail and you're not- you don't look at in a vacuum.

You have to- because retail's coming, retail is as of right. And so the board has to make a determination because we don't know that they'll put two restaurants in. We don't know that they'll put professional office in but it will be allowed and you have to look at it from the perspective, they have a right of all retail. Is it better to have a mix rather than all retail.

And so when you take- when you look at it- when you start to look at it from that perspective, then you have to look at what are the impacts of retail versus professional office/retail versus bistro or small restaurant and see if they're sort of similar. And

if they are, the board will vote one way; if they're not, they'll vote another way.

So, my, you know, my opinion is that we're not looking to give them any more than they would otherwise be entitled to and you want to make sure we have a balanced development because I honestly believe this is (inaudible). I'm probably going to give you-- foreshadow some things, but I honestly believe a shopping area such as this would be more balanced with more uses.

So that's how-- that's the backdrop we're looking at-- against. So I'm trying not to make too many comments."

Tom Kowalsick: "All right. Well, when I was here for this special permit or the environmental impact statement I should say, I mentioned to the town board, now I don't think you were on it, it was 2009. I think Mr. Dunleavy was.

And I, you know, offered all the people at the time, come to my property and stand with me and Mr. Dunleavy did in the back. I mean, you know, these bistros, I'm high, okay and, you know, I look at this environmental impact statement and it says odors, taken care of.

How can you look at an environmental impact statement and say well, it's taken care of and there's no specifics about anything."

Councilman Dunleavy: "You worry about the smoke from the- "

Tom Kowalsick: "Well, that's one of the concerns. To be truthful with you, I'm worried about what's going to happen when this property probably is going to get sold and then what are they going to do with those bistros then?

You don't need McDonalds and Burger Kings and Wendys."

Supervisor Walter: "We don't think McDonalds or Burger King fits into a bistro."

Tom Kowalsick: "Two thousand square feet? That's also big."

Supervisor Walter: "Sir, if you-- we're going to bring the girls basketball team out.

What I- it's very- we're going to take a diversion here. And Riverhead Local has prepared something that is very, very exciting and I'd like to welcome in David Spinella (phonetic), James Janachek (phonetic), Gerry Weissman (phonetic). They are the head coaches, David is the head coach for the girls basketball team for Riverhead high school.

And everybody, as the girls basketball team comes in, can we give them a round of applause. These girls have done a fantastic job representing the town of Riverhead and it is- I'm humbled by what they have done.

And I'd like to have- Dave, why don't you come up? I'd like to have you just talk about where they've come and where they've gone and then we're going to look at a video."

Dave Spinella: "Thank you. Thank you everyone for coming today. So we have had these girls in the program for a long time and many of them I've known since they were in third and fourth grade. We've got them together as eighth and ninth graders and we knew back then that something special was going to come out of it.

And lo and behold, four, five years later, we're Long Island Champions.

Thank you. The girls are amazing people. If you know them personally like we know them, you'll love everyone of them. We couldn't do all what we do without the community's support. It was unwavering, it was unbelievable, and we made a lot of people proud.

A lot of people had a lot to say on the positive side about Riverhead after seeing us at the games. So thank you very much."

Supervisor Walter: "Tell them what they do."

Dave Spinella: "Well, we are the league 3 champions, we're the Suffolk County champions. We were overall Section 11 champions, we're Long Island champions and we're New York State final four finishes."

Supervisor Walter: "(inaudible) from the school superintendent. Why don't you guys come up, too, because you're part of this and we've got a video. If you folks could clear away from the screen, sir, that Riverhead Local has put together."

Unidentified: "I just want everyone to know as well as their incredible athletic ability, this team is a scholar athlete team, so I'm just really, really proud of them."

(At this time, the video was shown)

(Unidentified): "(inaudible), the head coach, Dave Spinella, would you like to come up. (Inaudible), the town of Riverhead basketball team, and also recognize you. Besides all his accomplishments, I'd like to point out he won his hundredth game which (inaudible).

Other people I'd like to recognize would be James Janachek, coach. Gerry Weissman, (inaudible) Brown, senior guard, charter, also scored a thousand points. (Inaudible), junior guard, also scored a thousand points. She's also All Long Island. Melody Reilly (phonetic), senior forward, starter and named Sectional 11 tournament MVP. Also All Long Island. Marta (inaudible). She was a starter. And Kayla (inaudible). Jessica (inaudible). Allison (inaudible). Amanda Graziano. Gabrielle Greene. (Inaudible). Mariah Messina (phonetic). Alissa Meyer (phonetic). We've got Kayla, we've got Melody Reilly. Donna Lynn (inaudible). (Inaudible). And Jocelyn (phonetic).

All right. I want to thank the girls, thank the coaches, thank all the parents for supporting them."

Supervisor Walter: "Nancy, do you want to say anything now."

Nancy: "I just wanted to congratulate the girls and as I said, as proud as we are of your athletic abilities, we're really even prouder of the fact that you are a scholar athlete team.

And I just want to say what a ride this was with the community. The community support was unbelievable. The entire school family and the entire community supported these girls and it was amazing the people that traveled up to Troy and we're just so proud of you and we wish you all the best in the coming year."

Supervisor Walter: "Ladies, thank you very much for coming this afternoon, and we wish you the best of luck for next season.

All right, you know, I really want to thank Riverhead Local for putting together that video. I know that Riverhead Local had



something to do with organizing the bus to get them up- get a lot of people up there so that was wonderful.

And, all right, we're going to resume public comment on resolutions only, resolutions only. Yes."

Maryann Johnston: "Good evening, Supervisor Walter. Is there a button I need to- I just need to yell."

Supervisor Walter: "Hold on a second. Tara, can we see if we can turn that up a little bit? I don't know whether that mike can be turned up somehow. Only Tara and I know how to use the machine. Just state your name and hamlet for the record."

Maryann Johnston: "Maryann Johnston. I'm president of the Affiliated Brookhaven Civic Organizations and I live in Manorville which is on Riverhead's back door.

And I'm here to speak and ask you to respectfully deny the application of Jamesport Village. You have an opportunity to be at a crossroads not to make the mistakes of the five western towns. You can avoid sprawl. You still have the opportunity to do that.

The residents of the communities in Riverhead have a right to remain rural. They have that right. I respectfully submit to you something that was said a very long time ago by a New York Senator. On Long Island your environment is your economy and your economy is your environment. You'll forget that at your peril.

So I respectfully request that you stand with the residents in this community and that you avoid the mistakes of the five western towns which is to encourage the rights of developers over those rights of those communities to remain as they are.

The character of those communities cannot be reversed. Once you admit the sprawl, the state law will allow it to spread wherever it wants to be. And you need to respect the work of the people who developed a comprehensive plan that recognizes the rights of communities and hamlets to remain and to maintain their character.

People are not getting off at exit 72 or exit 72 to visit strip malls and it's very important that you recognize that.

Thank you."

Supervisor Walter: "Next. Next speaker, please. State your name and hamlet for the record."

Joan Vogt: "Hi. I'm John Vogt, with a "V". From Wading River. And I'm here to read a letter from William and Catherine Welsh regarding the Village at Jamesport.

We urge the town board to postpone a decision regarding special permits for the Village at Jamesport proposal. Issuance of special permits would result in a more intensely developed project, especially regarding bistro use.

This would insure evening activity at the complex and increase traffic over more hours.

The town should take a serious look at how the rural corridor zone was mapped to include a greater depth on the parcel in question as well as some neighboring parcels.

To go from a 500 foot depth to over 1,000 feet is an important decision. Detailed reasons for this change should be available.

To preserve and promote a thriving hamlet business district, the town should include a review of the current rural corridor zone with its notable exception for retail shops between Washington Avenue and South Jamesport Avenue. Hamlet and village center zoning encourage retail uses close to Route 25 rather than a campus spread.

We suggest that this supports a more walkable, interconnected community.

Since the development of this property will affect Jamesport for decades to come, we strongly recommend the town consider these issues while there is still time to make wise decisions.

Thank you."

Supervisor Walter: "Thank you. I want to-- I'm going to try to refrain from comments but I want people to have the facts and maybe some people don't want to necessarily acknowledge them but I'm going to give you the facts.

We're not changing the zoning. In fact, we're not changing the master plan. We're complying with the master plan and the zoning

and that line that people are going to refer to time and time again I'm sure was adopted by the town in 1987 and that line was carried through the master plan in 2003 and then adopted into zoning in 2004.

So this is not a new thing. This is a fact. I have this public notice. The time to have been heard on this line was 1987 and 2003 and 2004. We're not passing judgment on that. That was done by the people that came before us.

And at the time the master plan was adopted, well, right after and the zoning, you had three members of the town board-- when the zoning was adopted, you had three members of the town board from Jamesport and South Jamesport, Rose Sanders, Barbara Blass and Phil Cardinale.

I will add that there was nobody from Wading River on the town board at the time, but be that as it may, that line has been carried over and the only issue before us and it's very narrowly focused, is whether a special permit should be issued for bistro and professional office because as of right, they can have retail.

And so you have to-- I know you're going to speak and I know you are passionate and I know you have certain things that you want to say, but what you have to think about is as of right they can build retail.

The town has made them do a complete environmental impact statement. They can come to the planning board and do that. Do you want a center? Because if we don't pass this, you are going to get a center that is 100% retail. And so the question you have to ask yourselves and look to the recesses of your heart because it's going to come. The retail we have no choice over. It's done.

Do you want to have a center with a mixed use that would have less-- my opinion now, less of a vacancy because you have a broader spectrum of uses.

So for those of you that want to see this legal notice, we can make copies. This was done in 1987 and carried forward. Does any-- raise your hand if you want to see this. Okay.

What I'll do is, Tara, can you take this and make copies we we'll leave it out on the back table. Okay, good."

Councilman Gabrielsen: "I'd like to point one thing out, too. With the mixed use, it requires less parking than all retail. So less parking is required. And what they did with that parking is they're going to provide in their site plan, 15 municipal parking spots to be used by the community.

So by mixed use, it's actually been somewhat of a gain to Jamesport because they're going to put 15 parking spots, municipal parking, right up on Route 25."

Supervisor Walter: "That's an important point. I hear that lots- "

Councilman Gabrielsen: "And I think that's an important point I'd like to make."

Councilman Dunleavy: "And just remember- "

(Comment from audience)

Supervisor Walter: "Excuse me, sir. When you get to the podium you may speak. Otherwise you may not."

Councilman Dunleavy: "Also there's not going to be a strip mall out there. So if anybody thinks there's going to be a strip mall, there's not going to be a strip mall."

(Comment from audience)

Supervisor Walter: "Okay. We're not going to take comments from the audience. We're not going to take comments from the audience. If the audience is going to be disrespectful, I will ask the town board to adjourn the town board meeting. I will not tolerate that. And you, well, you do that at your own peril.

Dominique Mendez."

Dominique Mendez: "Yes. I want to focus on a specific issue of one of the special permit issues and as you know, originally this is- one of them was for a 4,000 square foot bistro."

Supervisor Walter: "Two thousand."

Dominique Mendez: "What? No, I want to go back to what it

said. It said a 4,000- "

Supervisor Walter: "Okay. But you understand we've reduced it to 2,000. Okay."

Dominique Mendez: "I realize that. I'm getting there. So what I first wanted to point out is that it was a 4,000 square foot bistro. That would have meant 50- and since a bistro was only allowed to have 50 seats and there's a reason. It's not arbitrary that restaurants aren't allowed and bistros are allowed. It's not meaningless.

It's because this is a small world town and everything is supposed to be roadside and what's there in that area are these small little bistros and cafes and it's supposed to be- compliment that and in that character. So it's not to change. You're not supposed to have a big restaurant.

Unfortunately for all these years somehow, that's what was on the application and that's what you guys were considering.

So the first thing I want to mention is I'm not sure why you guys aren't outraged because clearly it couldn't have been a bistro. It couldn't have been under 50 seats. It's clearly a restaurant. It doesn't matter what you call it. It was going to be a big restaurant with a hundred, two hundred seats. Because anything else would have been financial suicide for the applicant.

So I would think this town board would be, you know, it's an outrage that someone put such a factual error let's call it, that certainly had an intent so I would call it an intentional factual error on their application.

But even taking it down to 2,000, since 4,000 was four times what you've got per square foot per average customer in the area now for higher end restaurants, you're still talking at least double that and bistros are intimate.

So it's kind of arbitrary. I know it's been public outcry so you reduced it. I don't think you've seen a site plan on this. You just are going by their word that there will be that many seats. By their word, they were going to have a 4,000 square foot bistro and they certainly weren't- that was their way to get around the code, so 2,000 isn't enough.

And I think you'll need to look carefully and because maybe they have broken your trust by putting something like that in and maybe trying to pull the wool over your eyes and maybe didn't notice it until recently but 2,000 is still way too large for a bistro with less than 50 seats which is all that's left to have.

Thank you."

Supervisor Walter: "Thank you. Can I have the next speaker, please."

Eileen Benthall: "My name is Eileen Benthall. I live at 61 Herricks Lane in Jamesport and I'm reading- "

Supervisor Walter: "I'm sorry, miss, could you just- what was your name again?"

Eileen Benthall: "Eileen Benthall and I live at 61 Herricks Lane in Jamesport.

And I'm reading a letter on behalf of my neighbor, Jeanne Gannon, at 32 Bay Run in Jamesport.

Please add my name to the list of people requesting the town board to vote no on approval of special use permits to allow the Village at Jamesport to be built.

Prior to a vote, issues such as an environmental study and zoning on these properties should be addressed and clarified.

Thank you. Jeanne Gannon, 32 Bay Run, Jamesport."

Supervisor Walter: "Thank you. Do you want to submit that to the record?"

Eileen Benthall: "Yes."

Supervisor Walter: "Well, not really the record, but submit it to the town clerk. Next speaker please."

Robert Keller: "Hello. My name is Robert Keller. I live at 69 6<sup>th</sup> Street in South Jamesport.

And first of all nobody said it so I want to congratulate you,

Mr. Walter, for getting rid of the YMCA, sending it to Calverton. I don't know how you did that. Great job, thank you."

Supervisor Walter: "Well, thank you. I think the board is going to do that. That's going to be a combined effort and I think the people of Calverton and Wading River are going to be very appreciative."

Robert Keller: "It's going to be great. It's a boon."

Supervisor Walter: "Gotten rid of it- "

Robert Keller: "Sorry about that choice of words. But it was an issue of us who live east of 105."

So I just want to start things off with a very short bible text. It comes from Luke, Chapter 12, Verse 3 where it says whatever they have said in the dark shall be heard in the light and what you have whispered in the inner rooms shall be broadcast from the housetops for all to hear.

And that's what I'm doing here today.

It was in an inner room of this building where a woman in the town clerk's office changed the commercial development allowance on a piece of property she owned that more than doubled that of most of her neighbors without any public knowledge or input.

Her land immediately doubled in value. When she cashed in her 30 pieces of silver and sold the land to a developer, there were whispers in the dark about whom it was she had sold it to.

As it turns out, it was to a man in the Suffolk County office of the district attorney called public enemy #1 who also happened to be the significant other of the top building department official.

What a tangled web we weave.

Councilman James Wooten has spoken just recently about what this developer can do as of right but I urge you to consider the fact that that right is based solely on the initial underhanded and fraudulent expansion of the property CDA behind the public's back.

Adding the initial insult of granting these special permits to

that initial injury can only start to legitimize that crime and make all of you accessories after the fact.

The hazards and disadvantages of bulldozing my town and changing its topography forever by removing enough sand to fill the Washington Monument one quarter full far outweigh any supposed advantage any sane person can think of.

The very idea of building a mini Tanger in Jamesport is ludicrous at best and its intensity cannot be justified.

I think every single one of you know that.

I was edified to read in Councilman Gabrielsen's recent letter to the News Review that he considers the town board to be filling the duties of our office by listening to the people that elected us.

Well listen to us know. Vote no on this application. No matter what may have been said in the darkness, here is your chance to step into the light. We, your neighbors, support you. Do not be intimidated into shaking hands with the devil.

You are the one who must look yourselves in the mirror, you are the one who must sleep at night.

Thank you."

Supervisor Walter: "Thank you, sir. Next speaker on resolutions. Is there another speaker on resolutions? Okay, let's take up resolutions. You guys have got to be quick. If you're going to take a pause, we're going to move on."

Sid Bail: "Sid Bail, President of the Wading River Civic Association. What's a nice young guy from Wading River doing at this particular hearing?"

Supervisor Walter: "Young?"

Sid Bail: "Young, well you know young at heart I guess.

The issue— one of the areas in a special permit consideration is the issue of intensity of development and every development project has both advantages and disadvantages.



And I think the feeling, the sentiment in this room is that the disadvantages of this proposed project far outweigh the advantages.

I, you know, it's been around a long time, like me. But unlike me, it isn't like a fine line that gets better with age. This particular application if you listen to the sentiment of the people in this room stinks. Okay. That's to put it mildly.

Now all I'm going to do today, Mr. Andrew Benners who couldn't be here asked to submit a letter and I see it's already on your correspondence but I will submit it anyway just to satisfy his wishes.

So I would hope that you deny this special permit and, you know, do the right thing as you usually try to do.

Thank you."

Supervisor Walter: "Thank you, Sid. Next speaker."

Jill Dejewski: "Jill Dejewski, Jamesport. At this point, I am not squarely on either side of the issue. I guess that some would say that this would make me a hypocrite and right now they're right.

My first thought when I heard about this was to come down here to voice my concern over the issue over issuing any exceptions for the project. I understand that this town board is doing everything that they can to get businesses going in this town which I support as long as the agenda is being followed within the bounds of the law without exception.

This is important to me because this levels the playing field for those of us who do not have the money to hire high priced lawyers to come lobby for our cause and get you guys to make exceptions for them.

So here comes the hypocritical part. If you make an exception for these guys with the special permits, I know that you are creating a slippery slope and I'm here today to tell you that I'm going to be the first one to hop onto that slippery slope.

If this goes through, if you issue the special permits, I'll be back without my high priced lawyer because you will have already set

the precedent for me and I will be requesting that you make special exceptions for me and my business idea which is not currently permitted in the hamlet.

If you make exceptions for these guys, I will ask that you apply the same logic that you are using here today for those guys.

In conclusion, I do not support making special exceptions. When you buy a piece of property in a community you should know- you should do so knowing what you can and you can't do with it based on the bounds set by that community, a/k/a the law.

It shouldn't be my problem that when you bought it you thought that you'd be able to change the law and get what you wanted."

Supervisor Walter: "Miss Dejewski, can I- I want to, there's a difference between a special exception and a special permit and what a special permit is in the town code, is you have your list of uses that you have as of right which is retail and some other things in the center and they could do 100% retail.

What a special permit is, is there are certain uses that the board says if you meet certain criteria, we will allow you to have them. And by state law, some of you know I'm a lawyer by training, by state law and by really precedent, if you meet the requirements of the special permit, it's really almost a non-discretionary act of the board.

In other words, if you meet the requirements of the special permit, there's almost (inaudible) to the permitted use. And what this applicant did and what the town board did, again, I'm not sure if they had three members from Jamesport on the board when they requested a-- an environmental impact statement.

My- I don't know when that was requested. What this applicant did was they did an environmental impact statement which for a- the whole shopping center is 45,000 square feet. It's actually probably one of what's proposed in the hamlet of Wading River, one of many.

And what they did is the impact statement which is sort of extraordinary, but the town board wanted the extraordinary to show that this either could meet or could not meet. And when you look at it, it's for the town board to determine, did that environmental impact statement, did it rise to the level of meeting, and there's

several parameters in the town code.

Because if it rose to the level of meeting those parameters, those uses are almost as of right. And so a special exception is a different animal or a change of zone is a different animal.

So these- the individuals here, you have to look at it in this fashion. You have your retail as of right and then you have your special permit that if you meet the eight or ten or twelve parameters in our town code- "

Jill Kejewski: "Wouldn't there be a lot of situations that would be able to meet all that? It sounds pretty flexible."

Supervisor Walter: "No, no. It's not flexible because it says specifically bistro, professional office. And this town board has given several professional offices in that zone.

And so what happens is you have precedent and when you have- now I've gone down a different road, but when you have precedent, just what you're saying. If you have precedent you can't do it here but not do it here especially if somebody has done a lot of work and you come to the determination that that work meets the eight or ten criteria.

So if you have something- if you want to make- if you want to build a junkyard in Jamesport, bad example, that's what's going to be the headline. Tim Gannon, don't put that in your paper.

But if you want to build something in Jamesport that's not listed in the special permit, there's no slippery slope here. Only those specific things and the two that we're talking about are restaurant and- "

Jill Dejewski: "So that's in the code or that's on their application?"

Supervisor Walter: "No, no. In the code."

Jill Dejewski: "In the code. So it really- so really it doesn't say retail. It says retail or professional offices or a bistro."

Supervisor Walter: "With a special permit, yes. It says

retail and some other things besides retail and then professional office, bistro as a special permit.

So we're not changing the zone and the gentleman that I spoke to in the post office, we're not changing the zone. What we're doing is we're looking at what we have and we're looking at reams of paperwork and I read the impact statement- "

Jill Dejewski: "I mean the fact that we're here doesn't that mean already that it's requiring some kind of special attention? Because if they could do what they are asking to do, we wouldn't be talking about it."

Supervisor Walter: "Well, what you should be concentrating on in the audience, I don't want to give it away but I'll give it away.

What you should have done is look at our town code for special permits. Did anybody look at our town code for special permits? Raise your hand- "

(Inaudible comment from audience)

Supervisor Walter: "Listen, I just want you to raise your hand. Who looked at special permits? You folks are the next people that I want to hear from and what you should be testifying to is what are the parameters of the special permit and why doesn't this meet that- "

(Inaudible comment from audience)

Supervisor Walter: "Excuse me. I'm not taking comment except from Jill. That's what the testimony, what you should be doing now. So if you want to continue, Jill, sorry, I shouldn't call you by your first name without asking permission."

Jill Dejewski: "Well, in conclusion, I don't support the project. It doesn't feel like something that would fit in with the Jamesport community. So I hope you deny it."

Supervisor Walter: "Thank you."

Jill Dejewski: "Thank you."

Nick Calabria: "All right. Nick Calabria, C-A-L-A-B-R-I-A,

1739 Main Road, Jamesport.

I wasn't available to come in to talk to you at the time when you did the impact study hearing and the question I have is when they did the traffic flow studies, where did they do the traffic flow study? At the site itself? Was any consideration taken into what happens east of the traffic light?"

Supervisor Walter: "Well, they do a traffic flow study and they extrapolate it and Rick Hanley, where are you, raise your hand so I see you.

Rick, just what- I'm not going to have Rick come back and forth, back and forth, back and forth. Rick, Mr. Calabria, if you could repeat that question and- don't come to the podium now because there's going to be other questions you might have to answer.

They're just asking about the traffic flow study. At the end of your comments, we will have Jim come in and talk about that. You may have to go get some documents.

Go ahead, ask away."

Nick Calabria: "Okay. Because I can't- my understanding is if they just did the traffic flow study west of that traffic light, all they're doing is monitoring what the traffic light is doing there. They're not looking at the traffic that is east of that traffic light.

And anybody that lives in that area will tell you on any given Saturday or Sunday afternoon, that traffic is backed up into Southold town. And now if we're going to be forced to put another traffic light in to control the input and output of this Village, we're going to have two traffic lights which I know for myself, I'm four tenths of a mile from that traffic light and if I am lucky enough to get into the westbound lane, on a good day it takes me 18 minutes to get to that traffic light.

So I'm just looking at it from the standpoint of how the impact study on this thing cannot affect the area and quite honestly I've talked to people who come into the area and they really don't want to sit in traffic for 45 minutes to an hour getting from Southold town through Jamesport.

And if our goal is to get people to come into this town to spend money, which is what our tourism type of environment is, we're not achieving it by having people sit in their car idling, waiting to get through traffic.

And especially since if they know this is already occurring, they're going to spend money in Southold town and not in Riverhead town because they're going to sit and wait for this traffic jam to abate itself so that they can spend money and relax and do and so I don't see basically what the big advantage is at this point of putting a site into this area where we can't control the traffic. We don't have the infrastructure to control what we already have.

And so, therefore, I'm not in favor with this, whether it's a bistro or whether it's a strip mall. I think we should be really looking at what our infrastructure can handle at this point because we're going to be-- if we're not, we're pretty close to what we're dealing with on the south shore where everybody is sitting in traffic and wasting our time. Okay?"

Supervisor Walter: "All right, thank you, sir. I'll- just listen to these comments about the traffic. Next speaker. I'm going to have Rick at the end make comments about the traffic."

Nick Calabria: "Okay, thank you."

Supervisor Walter: "Next speaker."

Pamela Boyle: "Pamela Boyle. I live at 1686 Main Road in Jamesport and I also am east of the traffic light and what the previous gentleman said is 100% true.

On any given Saturday or Sunday, the traffic outside my house moves at a snail's pace and is constant between about 3:00 and 6:00. It just sits there waiting to move.

I'm sure it's going to be worse if this development goes ahead. And the other question I wanted to ask is where does this mall fit in with Jamesport's historic status? Isn't Jamesport supposed to be a historic villa? And if you put a mall in there with possibly a Pizza Hut or something, it certainly doesn't seem to be very historic to me. Thank you."

Supervisor Walter: "Thank you. Yes."

Nancy Gilbert: "I'm Nancy Gilbert. I live at 73 Winds Way in Jamesport. How about if I adopt Geena."

Supervisor Walter: "That would be wonderful. There's no quid pro quo though, is there?"

Nancy Gilbert: "I guess not. I am curious as to how the FEIS was submitted in July and none of us knew about it until you voted on the findings statement in- we found out about that in the News Review so it's disconcerting having attended all the public hearings and spoken out that there was no attempt to let the community know that this document was in or to make comments on the document. So that's one comment.

I'm not a lawyer and I would like to say that from a personal perspective, I hate to see any development there. I think it changes the nature of what is a wonderful historic hamlet.

But I understand the realities of the situation and that there probably will be some development.

But it seems to me that we have a situation here where the rights of the individual are colliding with the rights of the community and you guys and Jodi are elected to be the intermediaries here. It seems to me that you should help solve the problem, that you should be in the middle talking to all of us to come up with a solution that is acceptable to all sides.

And it seems to me that we're now babbling about these minute little things in the rule of law that it's beyond the point where commonsense and what is good for both the development and the community are possible.

And I urge you for that reason to slow the process down and to vote- not to vote on this, the special permits or just deny them today so that there is time for this kind of dialogue and constructive approach.

Thank you."

Supervisor Walter: "Thank you. Next speaker."

Matt Karr: "My name is Matt Karr, 1601 Main Road, Jamesport.

I own three pieces of commercial property in Jamesport. I'm in a five year litigation with the town over my rights to my property. I think that these people have a right to their property.

However, I'm against the proposal the way it comes forth now. Because whatever they're entitled to they're entitled to. Nothing special. I get nothing special. I'm fighting for a long time and a lot of money.

So whatever his rights are, they should not be changed for this special permit for a bistro or this or that. It should only be entitled to to his land. I believe in property rights.

Thank you very much."

Supervisor Walter: "Thank you."

Richard Wines: "I'm Richard Wines and like Nancy I also live at 73 Winds Way in Jamesport."

Supervisor Walter: "I knew I recognized that name."

Richard Wines: "We sent you guys a letter, actually two letters, more than six pages altogether and I know you've read it carefully so I won't read it today.

I do want to say though that as Nancy mentioned, we were very surprised to learn that the FEIS on this project was submitted back in July and even though we've spoken at the public hearing-- "

Supervisor Walter: "May I just interrupt, Richard?"

Richard Wines: "Yes."

Supervisor Walter: "That was not secretive. In fact, I had spoken with members of Jamesport. It was never done in a secretive way. It was always out in the open. So don't allude to that, it was kept under wraps. It was worked on for six months and the people in Jamesport without a doubt knew about this."

Richard Wines: "I still find it surprising that even though I had spoken at the hearing and the comments that were supposedly responded to in that FEIS, no one from the planning department or town board happened to mention that maybe you'd like to-- what do you



think about what they said. Does it respond? Anyway, they certainly didn't.

It may have been in the open. It certainly wasn't in the open in any place any one of us could see it.

When I finally had a chance to read the FEIS, I found it last week on the web and it's probably been there forever as you say, Sean, but I wasn't smart enough to know that.

I wasn't surprised to find there was a lot of mumbo jumbo that made every possible disadvantage go away. That's what consultants for these things do.

I was surprised that in the two years from the original hearing, there was not one single improvement in the project. Not one single thing that made it better for the community.

And I was also surprised that no matter how carefully I read through that thing, I could not find a single advantage for approving these special permits that wouldn't also accrue if the special permits weren't approved.

And as you know, the town code requires that there be significant advantages to the community and to the town that outweigh any disadvantages. And I read through that and couldn't find a single advantage."

Supervisor Walter: "Let me ask you a question because I'm interested in the dialogue here.

Would it-- and this is something that the board is going to weigh, would it not be advantageous to have a more diversified use. In other words-- uses. In other words, if you're allowed to build 45,000 square feet, it's not exactly 45,000 square feet, 42,000, and I'm asking you. If we-- because the code allows retail and a couple other things, and it's all retail and you're allowed to build that, the question becomes and I want you to answer honestly.

The question becomes if you have to fill that because you're allowed to build it, is it not better to have more uses so you don't have vacancies? That's the question that I'd like to have-- "

Rick Hanley: "Sean, the resolution does elaborate on that

(inaudible)."

Supervisor Walter: "I read it so that's what I'm asking from you and the community because I— what I would hate to see is us not approve the special permit and just have retail. And have the potential for more vacancies. And that's what— if you could address that because that is sort of critical to my thinking."

Richard Wines: "And I think that is critical. And I think one thing here is any property owner in their sane mind would not build 42,000 square feet of retail in Jamesport because it's surrounded by empty stores, strip malls that are half full. New stores on the corner of Manor Lane that can't be rented. So it's highly unlikely that anyone is going to build in the foreseeable future, build that thing out at 42,000 feet of retail. So I, you know, your (inaudible) case here is highly unlikely.

So I think what we need to look at is does the fact that we're bringing in two uses that don't— aren't there as of code, only by special permit, does that convey any benefits to the community that outweigh the disadvantages.

And there are really disadvantages. There are disadvantages in having more restaurants. They're going to compete with the ones that are already there and there are already empty restaurant spaces.

I see significant disadvantages to bringing office space into Jamesport because I'd like to see that office space downtown where we are all trying to revitalize our historic downtown.

And I see that as directly contradictory allowing a lot of office space to be built in a place like Jamesport where it should be in the center in the heart of historic Riverhead.

So I see that there are clear disadvantages here. Your job, as I read the code, is you have to certify that there are significant advantages to the neighborhood, to the community, and to the town that outweigh the disadvantages.

And so I'd like to take this in a slightly different direction than some of the other speakers have.

As you know, I am not an opponent of special permits. In fact,

I have come before this board on several occasions arguing in favor of special permits and special uses when they do something good for the town. Certainly I supported Matt Karr at the Jamesport Manor because preserving that old building was going to do something good for the town.

I did the same thing for the Jedediah Hawkins because preserving that building was going to do something good for the town.

But what I— what we need to have here is there needs to be if you were to approve it, there needs to be some conditions that, in fact, produce advantages for the town.

So I have got a minimal list here that I'd like to go through. Because I think there are some things that you guys could do that would make this come out as a positive.

And the first one, of course, is that I think if we reduce the overall density. You can bargain. That's what the special permits are supposed to do. They're supposed to give you the strength to bargain with a developer to get good stuff for us."

Supervisor Walter: "We reduced it by 50%."

Richard Wines: "You reduced the restaurant— the bistro use, right. What I'd like to see you do is reduce the whole project down to 22,700 square feet."

Supervisor Walter: "I need to stop you there because that's not— that's really not something you can bargain."

Richard Wines: "Oh, I think you can bargain."

Supervisor Walter: "Richard, Richard, I want you to think about this logically. You need to think about this logically. They have as of right 42,000 square feet, as of right. Nobody— 10% lot coverage. Nobody is bargaining that away. So you can talk about that, but it's not reality, Richard, it's not."

Richard Wines: "But you've got the keys here. You've got the things they really want to build which is bistros and office."

Supervisor Walter: "I don't think that's true. I don't think

that's true. I think that if you don't build this- if you don't allow this, this goes forward as a purely retail. No question in my mind, 42,000 square feet."

Richard Wines: "Okay, so anyway that's my first- "

Supervisor Walter: "Excuse me, there's one speaker."

Richard Wines: "That's my first suggestion. You should use your strength and power and all the smarts and intelligence you guys have, Jodi too, to negotiate a smaller development."

The second course is to make it clear that there will be public parking, right. As far as I could see reading through the FEIS, they say very explicitly there will not be any parking for the community."

Councilman Gabrielsen: "Well, that's not required in the FEIS. If you look at the site plan right now it shows 15 public parking, that's- "

Richard Wines: "Okay, well, I'm pleased to hear that because reading the FEIS they very explicitly say they're not providing it."

Councilman Gabrielsen: "And also what we're negotiating, like you're saying negotiate, the biggest problem to downtown businesses is there is no parking and every time I go past, I've got a business out there, I really sympathize with these guys, I don't know how they stay in business."

So we're also negotiating- we're looking for a parking district or a parking lot behind the stores. So we're trying to work on an easement where they can get that parking going into this lot and they'll have exit and entry on the same parcel. So also negotiating to get that for businesses on Main Road."

Richard Wines: "That's all good stuff and I think you certainly want to make it a condition of approval."

Councilman Gabrielsen: "Right. That will be on the site plan but we're definitely concerned with the- "

Richard Wines: "It's not in the FEIS. Then the third thing is I applaud you by the way for reducing the bistros 2,000 square

feet. The way I read the uniform code, the fire marshal is going to go in there and calculate that there needs to be- he needs to allow for one seat for every 15 square feet of space and that means that this is not going to be a- each of these is not going to be 50 seat restaurants, they're going to be 100 seat restaurants in the lines of the fire marshal. Because that's how much you could fit in there."

Supervisor Walter: "That's not true, Richard, please. The code says 50. The permit is 2,000 square feet."

Richard Wines: "But the amount of square feet still allows for- "

Supervisor Walter: "We're limiting it- "

Richard Wines: "You're limiting it but not nearly enough."

Supervisor Walter: "You need to stick to the facts. I'm not going to allow you guys to go- stray from the facts. We can limit the fire marshal and we do that in a special permit."

Richard Wines: "Okay. Next thing. When you limit the 2,000- limit each bistro to 2,000 square feet, did you limit for the size of the development by that much?"

Supervisor Walter: "No."

Richard Wines: "Okay. Well, what happens to the extra parking that's going to be needed for the additional 4,000 square feet of retail? Have you thought about that?"

Supervisor Walter: "It's provided in the parking plan. Those are site plan- "

Richard Wines: "But the site plan doesn't provide for it because they were assuming that that was going to be two 50 seat restaurants."

Supervisor Walter: "They have to comply with site plan and site plan will dictate the parking based on the uses."

Richard Wines: "Even though it's not in the FEIS? Even though it's not in the current- okay, pleased to hear that. I want

to see this thing improved.

And then as you may recall from reading the FEIS, there were a whole series of issues that I personally thought that the developer did not do a good job of fitting this into the historic hamlet of Jamesport and just to cite one example.

Development in the rural corridor is supposed to be- look like a farmstead or like residences and, of course, I said that at the hearing and the consultant came back and said, well, yes it does. They've got sloped roofs. That makes it look like a farmstead or residence. That was the only comment, only response, so there's a lot of things like that.

So anyway I hope you will require the developers work closely with the ARB to revise the architectural plans to make this compatible with the area."

Supervisor Walter: "Absolutely."

Richard Wines: "Great, thanks. Appreciate that."

So in conclusion, I can't see any way you could possibly vote on this thing today. There's been a lot of issues brought up here that are still open in various ways and personally as a town board, you guys have done a hell of a lot of good including getting the- finding a good home for the Y just yesterday.

And I don't want to see this become issue number one for anyone that decides to stand against you. I'd rather see you prevail. So think carefully."

Supervisor Walter: "It's in God's hand, Richard. By the grace of God, we all were elected. By his grace, we will be guided."

Richard Wines: "I agree. Well, anyway, thank you very much for listening to my concerns."

Supervisor Walter: "Thank you. Next speaker."

Larry Simms: "It's hard to follow Richard because he's so nice. My name is Larry Simms, South Jamesport."

Supervisor Walter: "Larry, the author of Zero Sum Game."

Larry Simms: "That's correct."

Supervisor Walter: "Some day I'd love to debate that with you but right now I'm not going to."

Larry Simms: "You name the time and place. And I'll put your minds at ease. I'm not going to read that or any other letter. I want to start by saying that I'm not just representing myself and I will be giving the town clerk an updated copy of the letter I sent yesterday along with an updated petition. The only thing that is changed in the letter is the number of petition signors and a couple of exhibits."

Miss Wilhelm, if I hand this to you that makes it official, right? All right. There are now 225 signors of the petition to deny permits to this project and the vast majority- the vast majority are from the immediate area, Jamesport, South Jamesport and Aquebogue."

Councilman Gabrielsen: "Larry, I'd like to ask you a question. In that first petition you sent in I think there was like 68 names. Was that the people that came to the Meeting House meeting we had that time? The first- "

Larry Simms: "Many people at the Meeting House signed that petition."

Councilman Gabrielsen: "Right. That first petition was from there."

Larry Simms: "Correct. And the petition itself is unchanged, not a word has changed. We've just added names."

Councilman Gabrielsen: "Right. Because I know some people there were in support of it. I see them on that list."

Larry Simms: "Okay. Nancy spoke about the final environmental impact statement, the FEIS, and said that she was not aware of its existence until after it was approved Christmas week."

The same holds for me and everyone I've spoken to. I'd like to ask for a show of hands. Does anybody from the area, Jamesport,

Aquebogue or any Riverhead citizens- "

Supervisor Walter: "Larry, we're addressing us. We're not- you want- they can come up, Larry."

Larry Simms: "See me afterwards if you knew about it."

Supervisor Walter: "That's fine. Keep it going, Larry."

Larry Simms: "That's fine. So I have trouble with the fact that so many of us were so deeply involved in this project and had no idea that the final statement had been submitted."

Additionally, it kind of boggles my mind that I was sitting at that table about a week ago with two town board members, the town attorney, the planning director and his deputy, deeply involved in this and I appreciate the time they spent and it was actually about 10 days ago.

And as I stand here today I do not know what resolution you're going to be voting on. I have not seen the conditions, I don't know anyone that has seen the conditions. You're basically going to vote on something that we are not aware of and I think that's just plain wrong."

Supervisor Walter: "Tara, aren't they on the back table? They're on the back table, Larry. They're on the back table. You need to open the book and look. They're on the back table."

Larry Simms: "Mr. Walter, I drove- "

Supervisor Walter: "Larry, they're on the back table. You- all the resolutions, the conditions."

Larry Simms: "As of last night when I left my home to come out here a couple hours on the LIE, I did not know whether the resolution was going to be on the table or postponed. It was not firm."

Supervisor Walter: "Larry, it's on the back table. If you want to look at it- "

Larry Simms: "Thank you very much. I'll move on."



I also want to let you know- "

Supervisor Walter: "You lived in Jamesport for 13 years."

Larry Simms: "Pardon me?"

Supervisor Walter: "You said you got in your car and got on the expressway to come here."

Larry Simms: "I said I own a home in South Jamesport."

Councilman Gabrielsen: "But your primary residence- "

Larry Simms: "My primary residence is in Manhattan and I've never concealed that from anyone."

Supervisor Walter: "No, no. My mistake. I'm just reading what- "

Larry Simms: "And I wish it were here. I spend as much time in this area as I can."

Supervisor Walter: "Well, we'd love to have you full time."

Larry Simms: "Thank you. I'm not just looking at this situation as a homeowner. I'm a developer. I own 16 acres on West Main Street. It's an old duck farm and it's one of the contaminated sites that just enabled you to secure a \$600,000 grant for development.

I have yet to see any way in that grant- in which that grant will benefit me but I'm looking forward to working with Chris on it.

The point is that I've got 16 acres that I'm going to put something on and I've been here meeting with the previous supervisor and with Rick Hanley four or five years ago talking about what would benefit the town, what would be approved under code, what special permits might be required.

I understand a little bit about the process and I understand a little bit about how developers think. And it troubles me to hear things like I don't understand what a bistro is. There was a comment made earlier.

I'll tell you what a bistro is because- "

Supervisor Walter: "Larry, Larry- "

Larry Simms: "May I speak?"

Supervisor Walter: "In town code it is very unusual, our code is very unusual in that and at the time this was adopted we had three members from Jamesport, that they would limit a use to bistro.

I've been doing zoning and planning a long time, and very few towns- I can't think of any actually would say bistro. They would have a restaurant, seats, things like that.

So I'm not saying I don't know what it is. I just don't think that's the appropriate way to look at these things because that's a- the only person- the only group- the body that would have to really interpret, decide what the code says, is the zoning board of appeals. That's not what we want in our code. We don't want to keep going to the zoning board of appeals for interpretation. So- "

Larry Simms: "Mr. Supervisor, if you don't like the code, you have the power to change it. My whole point is telling you that a developer is going to walk in, read the code and from the code determine what he wants to build.

The developer saw the code and determined that a bistro as presently defined would best meet his purposes. That's what I would do. That's what he did. The reason I know what a bistro is, is because I saw it on the plan and I went to the code and I studied it. And I knew that what he was building or proposing to build was not bistros.

The other point referencing your earlier comment is this idea that I've heard now three times that maybe the bistros won't get built. I can assure you as a developer that nobody spends years of planning and tens and maybe hundreds of thousands of dollars on studies to get special permission for something that he doesn't really want. It doesn't happen. No sane person would do it. And I have no reason to suspect that Mr. Klein is not sane.

So this continual suggestion that maybe it won't really get built I think is a distraction at best.

Richard spoke to about the code- "

Supervisor Walter: "Really?"

Larry Simms: "Yes, really."

Supervisor Walter: "I'm sorry. I'm going to engage you now. Have you looked at the economy right now? Have you really looked at it? Because the bottom line is this. A lot of things get approved that don't get built and I can only harken back to Kenny Barra was going to build two country inns and didn't do it even though he was approved.

So I really take a little umbrage at the thought that you're thinking that people don't- it happens all the time, Mr. Simms, all the time."

Larry Simms: "Let's focus on what the code says about your obligations as town board members. You need to determine as Richard pointed out, that there are more advantages than disadvantages and I don't think you can do that. I certainly haven't heard of any.

In the impact statement, it compares the alternative, building it with a special permit, building it without the special permits. And if you go through their point by point, you'll find that there is no change in property taxes, there's no benefit there.

The same number of jobs for construction and permanent jobs with either plan. The alternative use without the bistros and offices would use three-quarters less water. The alternative use would generate half the solid waste. With the special permit uses, there's potential for noxious odors which was addressed at length. It doesn't exist with the alternative uses.

There's no difference between them when you look at traffic studies. And anything else you want to consider, population school age children, area of forest, road, buildings, etc. They're identical. There are no advantages.

You've heard other people say that today. I believe it's a fact and I further believe that the idea that when a developer submits an application, complies with what you ask him to do in the form of studies and completes the studies, you do not have an obligation to him to hand him the permits.

You then start to make your deliberations. You then start to determine whether you can- it says an affirmative determination that the advantages to the neighborhood and town outweigh the disadvantages. That's not the case here.

And while I think that should be enough- "

Supervisor Walter: "If you're interested, I do have the definition of bistro, so you tell me where I'm wrong here.

Bistro - an eating establishment of 50 seats or less whether indoor or outdoor without drive thru or drive in service. That doesn't say bistro to me. That says small restaurant."

Larry Simms: "But it is what it is. And that is the law that you need to enforce today."

Supervisor Walter: "And we absolutely 100% will. But- "

Larry Simms: "This whole idea about a condition to reduce the size of each bistro building from 4,000 square feet to 2,000 square feet, I don't believe just happened. I believe it happened because it was in the News Review because people started writing letters and talking about it because it's not a viable business and the fact- "

Supervisor Walter: "What's not a viable business?"

Larry Simms: "A 50 seat restaurant in a 4,000 square foot building."

Supervisor Walter: "Oh, well, in a 2,000 square foot building it's viable all day long."

(Inaudible comment)

Supervisor Walter: "I, you know, I'm not going to point to a lot of- "

Larry Simms: "I didn't bring any experts with me but I did talk to national food service experts who said it's not. And I did talk to half, at least half of the restaurant owners within two miles of the site."

Supervisor Walter: "I can- "

Larry Simms: "They don't have businesses that are viable with 50 seats."

Supervisor Walter: "Many different restaurants that have 50 seats that are viable. So, anyway, I'm sorry."

Larry Simms: "I'd like to move on."

Supervisor Walter: "I wanted to explain that- what the bistro definition is and it's really just a small restaurant or cafe. Why we call it bistro, I don't know."

Larry simms: "The point is that there are no advantages to the special permit uses and that should be enough but in case it's not enough, I want to address the final environmental impact statement which I now have had the opportunity to read."

And having read the FEIS cover to cover more than once, I can tell you it's a load of crap. There are- I'm going to give you a couple of examples. There are many more.

When the draft environmental impact statement and the public comment on that statement said that existing businesses in the hamlet and in the town will be damaged and the FEIS says comment noted, that's a load of crap.

When people stand up before the town board and say this project, the special permits being applied for, will cause more vacancies in commercial space and more abandoned buildings in the town, and the FEIS says comment noted, same problem. I'm not going to keep repeating the word.

When half of Jamesport- half of Riverhead it seems stands up and says look, you're going to allow office space and restaurant space in outline areas of the hamlet where it's not allowed as of right, you're going to make it just that much harder to bring these things- to force them, to encourage them to downtown Riverhead which is supposed to be priority one for this administration."

Supervisor Walter: "Offices are not even permitted necessarily as of right. I'm not looking for office space on Main Street, that would be a dead Main Street, so that's a non-issue. So, you know, we'll- offices are- "

Larry Simms: "Well, I'm sorry, above the retail shops on the second, third and fourth floor, you're not going to have offices, you're going to have retail?"

Supervisor Walter: "Second floor offices maybe but we're not going to fix Main Street by putting gobs of professional offices in. A couple would be nice but this is not going to kill that."

Larry Simms: "It doesn't help. Most of us feel you're not helping."

Let me give you one more example, please."

Supervisor Walter: "Can we wrap it up because we have all your information and I- we usually ask everybody to limit their comments to five minutes and I know I've been interrupting you. So if you could limit your comments to five minutes, that would be wonderful."

Larry Simms: "The other example from the FEIS is zoning. The zoning line that you talked about today. I understand where it is, I understand how it got there. Nobody has suggested that they have a rational basis for it. Nobody seems to know why it got there."

The point, however, is this. The FEIS says the rural corridor RLC setback line varies according to Suffolk County tax map lot lines so as not to split zone parcels. That's what this formal statement and study that you've now accepted and which is going to factor into your decision says, and it's wrong."

Supervisor Walter: "Larry, if you don't want to listen I can't help you but if you look at 1987 which was made available, it's on the table, that line was adopted in 1987. The public at the time had the right to speak up and they could have talked to the town board. At the time Joe Janowski was the supervisor. That line was re-adopted in the master plan in 2003 and when you had three members of Jamesport on your town board, they adopted the zoning for that- "

Larry Simms: "I'm sorry to interrupt, Mr. Supervisor, but this is the third time that you're telling me that and you're telling me to speed up my remarks and you presume to know what I'm about to say and I don't think you do."

Supervisor Walter: "Okay, well, that information is available to you and you can take a look at it. Please proceed. I apologize."

Larry Simms: "Thank you. The FEIS says that the line was put there. This is the only explanation I've seen. It says the line was put there because they did not want to split zone parcels and the only parcels that are split zoned are the five including this largest parcel that are in the immediate core area.

If you go two parcels to the east, those two parcels are not split zoned. If you follow the 500 foot line from Main Road and you walk west from those five parcels, 10 out of 11 are not split zone. I'm sorry, are split zoned. I apologize.

The bottom line is the 12 out of the 18 parcels immediately adjacent are split zoned so obviously this was not the purpose of the rezoning. I don't know what the purpose was. No one I've talked to including former supervisors and council members know.

I know what happened when the master plan was adopted. I know why the line wasn't moved then. I understand that. It doesn't tell me why it was there in the first place.

But the point is no one is telling you that you are responsible for this spot zoning for the inequitable treatment of property owners in Jamesport. Nobody is saying it's your fault. What we are saying is that you can do something about it.

Mr. Kozakiewicz, 10 days ago, sitting here, confirmed that the property owner on this parcel we're discussing has no vested rights today. He confirmed that the town board if it chooses can initiate proceedings to implement new zoning and the reasons would be to make it compliant with the master plan and to make it equitable to property owners in Jamesport."

Supervisor Walter: "I'm sorry to interrupt you. I'll give you more time, Larry, but and I shouldn't call you Larry, but it is in compliance with the master plan. It is. That is what was adopted."

Robert Kozakiewicz: "I just want to address one thing because I was asked a question whether a property owner has vested rights. That was the question. And based upon the fact that there's not

sticks and water in the ground, that's correct. There was never a question, there was never a question whether there might be a suit based upon stated facts because this particular change could be implicated by the owners as being done solely to support this project. That was never discussed. I never addressed the rest of your comment about being consistent with the master plan, consistent with zoning.

At the time, I didn't know, did not have the ability to research when the line was changed. Since that meeting as a result of investigation done by Mr. Hanley and myself, we determined that in 1986 there was a series of public hearings, specifically December 16, 1986 where the public was heard with respect to the movement of the line which became the business CR line.

I then investigated whether there was a map that was adopted at the same time. On January 13, 1987 as a result of the public hearing held on December 16, 1986, the town board voted to approve the line as it exists today. So from January 13, 1987 continuing forward to today's date, that line that we've talked about has existed.

Why it was done in '87, I don't know. I know there was a public hearing that was held. The public was heard from; that a map was adopted; that map was published in the official newspaper for the town of Riverhead, namely the News Review and that it became the map from that date of publication moving forward.

That much I can tell you."

Larry Simms: "Thank you. I've heard lots of speculation about where that line was drawn and how that line was drawn and you have not heard any of that repeated by me. It's sufficient for me to know that the town attorney after having done extensive research does not know why the line was drawn in that location and it's sufficient for me to understand that the town board has the power, has the authority to rezone and nobody has vested rights on that parcel today.

So if you go forward and approve the special permits, essentially giving vested rights to the property owner, you won't be remembered as the board that drew that line. You will be remembered as the board that locked it in place for all time. And I see that as a problem."



Supervisor Walter: "Actually you're incorrect on vested- are you- you're not an attorney?"

Larry Simms: "I'm not an attorney."

Supervisor Walter: "You're incorrect on vested property rights. If we approve this- "

Larry Simms: "I did not say that I have not consulted an attorney about vested property rights."

Supervisor Walter: "That would be incorrect if they told you what you just said."

Larry Simms: "I will report that to the land use lawyers that I've spoken to."

Supervisor Walter: "You can and I will tell you what vested property rights mean and our town attorney, Bob Kozakiewicz, mentioned it."

If we- even if they obtain the special permit and even if they obtain the site plan approval, they will have three years from the date that it's approved to build. If they don't- "

Larry Simms: "Until they build, they're not vested. I understand that."

Supervisor Walter: "They're not vested. So- "

Larry Simms: "I understand."

Supervisor Walter: "-- if they don't build, the whole thing- this whole exercise would have been moot. But we don't know that."

Larry Simms: "But you will not be able to retract a special permit. And the idea of plunging ahead and awarding that with no advantage to the town, no advantage to the neighborhood, the neighborhood up in arms against it is a complete mystery to me."

And you know I've been coming out here 13 years, I don't know when I'll be able to make it full time but I've come to love this place and I'm not going to just sit idly by and watch the land treated this way and the people of this town treated this way.

It's not right."

Supervisor Walter: "Well, thank you, sir. Anybody else wish to be heard? Sir, we're not going for seconds here. Anybody else wish to be heard on first go around. I understand, but we've heard from you, sir. Yes, please step up."

Harold Griffiths: "My name is Harold Griffiths. Everybody knows me as Duffy. I own property at 1566 Main Road, about five parcels down the road from this development.

I've spoken about this development in the past. Back in 2007, I was here speaking in favor of it. Back then the developer met with all the downtown Jamesport residents— business owners, was willing to explore putting parking behind us, attach it to his lot, give us easements.

We all got together. We all were in favor of it to be honest with you. All this time goes by, I don't see nothing happening because of the economy, the town board changes, everything like that.

This comes around again, I don't want to see us miss our opportunity. As it stands right now, I'm sure you guys come in here, you know, I talked to Mr. Gabrielsen, I talked to Mr. Wooten about this yesterday. I wasn't sure how I felt about this.

I'm also the chief of the fire department in Jamesport. We get together before our meetings, you know, we have an idea which way we're going to go with this. I'm just asking that you think about this.

There were some comments made today that giving them a mixed use property would be good for Jamesport. Giving them a mixed use property would be good for the developer. It will make his property more marketable. It will take away some line mark ability the way it is right now.

You know, there's other people that have property downtown, (inaudible), they have the beauty parlor there. We have village center zoning. You go ahead and give these special permits today, we lose some leverage with the parking. They gain pretty much the same zoning we have on our property now.

Who in their right mind will want to rent from us if I want to sell my deli if they can go to the village with the new development and open up a new deli there. With all the parking in the world.

So, you know, I understand you have to weigh, you know, mixed use may be better. I agree, it could be better. But- "

Supervisor Walter: "I believe you're going to get the cross access easement. At the very start of the conversation with some of the people that came in to see me, I think we will get cross access easements. George has been working to get the easement- "

Councilman Gabrielsen: "Yes, we're negotiating that and I understand you are very concerned about the business on the north side and that's one of the things in site plan we're definitely looking for the cross easement, municipal parking because that doesn't help you but- "

Harold Griffiths: "I understand that. I just want, you know, I'm a little concerned, we give the special permit you know they may fight tooth and nail not to do the additional parking. The 15 spaces at the front of that property, will not benefit downtown Jamesport. It will benefit the Elbow Room and the surrounding shops that are right there."

Supervisor Walter: "Cross access easement across their back property line to access your back property would be huge."

Harold Griffiths: "That would be huge, yes."

Supervisor Walter: "I'm working on that. I think we're going to get that."

Councilman Dunleavy: "We're working on it. I think he's agreeable to do that."

Harold Griffiths: "I guess maybe my question is, you know, and my concern- "

Supervisor Walter: "Wait, let me ask you a question. Let me get you on the record here. In order for it to work, I need your cross access easement to the property immediately to the east of you. Are you going to be willing to do that?"

Harold Griffiths: "Of course."

Supervisor Walter: "Okay, good."

Harold Griffiths: "You know, and there's other property owners that have to be on board also."

Supervisor Walter: "Well, hey listen, we'll work on that. I'd like to see you be able to put parking behind your facility and access it through that way and I think that can be done with site plan without a problem."

Harold Griffiths: "Right. Now, maybe this is my question. You give them their special permits and then they fight tooth and nail not to give the easements, not to do the parking, what happens to the special permit?"

Supervisor Walter: "It's a site plan issue but you can rest assure that the town supervisor will be working hard to get (inaudible) that easement. Sometimes the board carries a little bit of weight, once in a while, we'll be able- I think we'll be able to negotiate with this owner and with you but we have to go along the line to make sure everybody in that back- and I've spoken to some other property owners that are in the audience, and they're willing to do it. I think we'll get it."

Harold Griffiths: "Well, you know, I don't- you know, I understand where you're coming from but I don't want to just think we're going to get it. You know, I don't want to give this guy special permits and then we're not going to get it because whatever happens.

You know, I've stood before this town board, other town boards, you know, there's a grant made for sidewalks in downtown Jamesport, the town didn't want to pay for the survey work. When we came back here I think a year and a half ago, I completely understand why they didn't want to pay for it. We were laying off employees and it was not the time. You know, I just- I think that's my point.

I want to see something concrete before we start handing out special permits that if that doesn't happen I think would be the death knell for the current buildings that are there.

Right now they're 50% full and the other 50% are fly by

night- "

Supervisor Walter: "My commitment to you as to those easements- I cannot guarantee it but my commitment to you and to some people that are sitting in the audience looking at me right now, my commitment is to obtain those easements. I will do everything in my power to obtain those easements. You have that commitment."

Councilman Gabrielsen: "And you have my commitment also."

Councilman Dunleavy: "And mine, too."

Harold Griffiths: "Well, then I, you know, like I said, I would hate to see this thing approved and that not happen, so, you know, if you're going to vote that way, I hope that you can find a way to make it happen."

Supervisor Walter: (Inaudible)

Councilman Gabrielsen: "Absolutely."

Supervisor Walter: "Come back here. State your name."

Elaine McDuffy: "My name is Elaine McDuffy. I live on Peconic Bay Blvd, Jamesport. And my question is to Mr. Walter."

Supervisor Walter: "Go ahead, I'm sorry. What was your name, miss?"

Elaine McDuffy: "Elaine McDuffy. I live on Peconic Bay Blvd. in Jamesport.

My question is for you, Mr. Supervisor. Would you prefer- worse case scenario and this is all, you know, coming to fruition. Would you rather live next door to a retail store that closes at five or six o'clock in the evening, or would you rather live next door to a bistro/restaurant/club that closes at one or two o'clock in the morning and that I'm sure will have entertainment? That's my question to you.

I think that the mixed use is a folly."

Supervisor Walter: "I could tell you that I wouldn't live

next to either because I wouldn't choose to live on a main road. If you're asking me- "

Elaine McDuffy: "No, that's not what I'm asking you. There are people who already do. There are people who already do."

Supervisor Walter: "You're asking me a question. And I- "

Elaine McDuffy: "Hypothetical."

Supervisor Walter: "-- and I almost lived in actually Aquebogue and it was on the main road, it was Union Avenue and I chose not to do it and I live in a tiny little house in a 1950's style subdivision.

So if you're asking me what I prefer to live in- I live in the woods."

Elaine McDuffy: "It's hypothetical. There are people who live there already."

Supervisor Walter: "You can't ask me a hypothetical question because I- "

Elaine McDuffy: "No, I stated that it was hypothetical. Would you rather live next door to a bistro or club that closes at one or two in the morning or have retail?"

Supervisor Walter: "I would live near neither would be my answer."

Elaine McDuffy: "I think you are missing my point."

Councilman Gabrielsen: "I just would point something out. You've got to understand, some of these retail establishments are open four, five o'clock in the morning preparing."

Elaine McDuffy: "Not in Jamesport."

Councilman Gabrielsen: "No. I'm just saying if the use allows, sometimes these retail things, living next to one can be a nightmare- "

Elaine McDuffy: "I don't think in a hamlet like Jamesport

that's going to happen."

Councilman Gabrielsen: "Well, I'm just responding to your question."

Elaine McDuffy: "I appreciate that. Maybe Greenport, maybe Sag Harbor."

Councilman Gabrielsen: "Retail isn't always the best neighborly."

Elaine McDuffy: "I would be my money on the bistro being the most problematic of the uses. That's all I have to say. Thank you."

Supervisor Walter: "Thank you. Next speaker."

Annie Keller: "Hello. My name is Annie Keller."

Supervisor Walter: "St. Isidore's graduate."

Annie Keller: "Yes. 2011. I would just like to say that I think putting this in an area where three blocks away are a bunch of you know neighborhoods where I live really, where a lot of us people that are friends of my family live, and is still really, really, really rural is, I think this would be a giant mistake.

I mean it's a lot of, you know, it's a lot of building somewhere where there's not a lot of large buildings and it's going to remove a large amount of sand and everything from the highest point in Jamesport.

I think doing that would disturb a lot of the peace, the natural peace that we have in that area of town."

Supervisor Walter: "Can I ask you a question since you've come up? And I don't mean to be unfair.

What do you think about private property rights? Just think about that, and you don't have to answer right now but just think about that. I want to see how your St. Isidore's training worked.

Mom, Mom, get away. Let her answer. Go ahead. What do you think?"

Annie Keller: "I think you do have rights to property that you own but I think deciding what you want to do with that property should be treated with, you know, good decision making and, you know, discretion towards the things around it."

Supervisor Walter: "Georgette, I allowed her to shine right there. That was very good for you. Very good. There you go. Wait, your mom is still talking. What else did you want to say."

Annie Keller: "I would just like to say that if, you know, if somebody wanted to build something like this, they should consider a more densely, you know, densely developed commercial area rather than a densely residential area."

Supervisor Walter: "Good girl."

Annie Keller: "Thank you for your time."

Supervisor Walter: "Appreciate it. Where do you go to school now?"

Annie Keller: "I go to St. Anthony's high school in South Huntington."

Supervisor Walter: "Chaminade, so- all right, Georgette."

Georgette Keller: "And I wanted her to go to Molloy because that's where her father- and she hated (inaudible). But I love Riverhead high school too. I taught there and I'm proud of those girls and- "

Supervisor Walter: "You teach there, don't you?"

Georgette Keller: "I teach at Roanoke Avenue school. I teach in the poorest school in the entire district."

Supervisor Walter: "Oh, okay. No, I don't think- "

Georgette Keller: "We have the highest level of free and reduced breakfast and lunch right here in the center of town."

Supervisor Walter: "It never rains in Riverhead, Georgette, come on. It never rains in Riverhead."



Georgette Keller: "In Riverhead. And I love those kids too and my oldest daughter goes to Riverhead high school and I think that there's something out there for everybody and I believe that we can find common ground as Nancy Gilbert was speaking to earlier but I am madder than a queen bee in a hornet's nest today and- "

Supervisor Walter: "I don't believe it for a minute."

Georgette Keller: "-- for a lot of reasons and you said you know people are passionate out there. Well I think when you look up passionate in the dictionary you will find my picture and I am yelling at somebody because they're not doing what they know is right.

So now, it's your turn.

First of all, Mr. Kowalski wanted to say to you that according to the definition of a bistro in the town's code, being 50 seats, no drive thru, etc., etc., the McDonald's in Mattituck on Main Road would qualify. And the developer's attorney Mr. Cuddy and the 2008 public hearing on January 15<sup>th</sup> did say that the developer would stipulate no fast food chain and yet that's not a condition in today's proposed resolution. Okay?"

Supervisor Walter: "Let's ask him. Mr. Cuddy is standing in the back."

Georgette Keller: "I know but this is why I'm- "

Supervisor Walter: "Wait. Would you stipulate to that? Rick- wait, wait, we've got a confession. You'll stipulate to that, Mr. Cuddy? Okay."

Georgette Keller: "This is why we- "

Supervisor Walter: "We've got something- "

Georgette Keller: "That's good. This is what the process is supposed to allow for."

Supervisor Walter: "Hold on. Rick, can you talk to Mr. Cuddy about stipulating that there is no fast food in this? Because we might want to amend it."

Georgette Keller: "Fast food chain."

Supervisor Walter: "Fast food chain. He's back there, go talk to him. He's saying no fast food chain. Yeah, but he's willing to stipulate that."

Georgette Keller: "He's willing to covenant that with the property."

Supervisor Walter: "Okay, good. Move forward."

Georgette Keller: "Let's move on here, okay. All right. So there's just a couple other little things. In terms of the parking and the cross easement. You have had one property owner consistently block cross easements from taking place for the last 10 years- "

Supervisor Walter: "Who is that?"

Georgette Keller: "Sal Diliberto. And I have no reason to believe that he would finally acquiesce."

Supervisor Walter: "I do."

Georgette Keller: "Well, I'm just telling you. He's been asked for and it's been denied in the past. Okay. So I can only go based on what people have done. So while I agree with someone else's assessment that Mr. Klein is not insane but he's also not credible so I would rather have stipulations from his attorney and covenants and restrictions that run with the land that if it is sold, that the community is still protected. That's number one.

All right. And the other thing that you said that it would be an advantage by having the special permits or not having them. The brunt of that advantage falls on the developer, not the town. And that should not even be a consideration within the advantages and disadvantages that you are now faced with considering. That's my opinion.

And Mr. Gabrielsen, whether people who are in attendance did not sign a petition in the Meeting House, which we allowed you to attend as a civic association, a meeting open to the public, should not be construed as passive approval of a plan."

Councilman Gabrielsen: "I just wanted to get the facts on the list. And I'm not saying- I'm just establishing."

Georgette Keller: "We should not construe silence as passive approval, not in this town. And I'll address- "

Councilman Gabrielsen: "I never did. I just want to establish where the list came from."

Georgette Keller: "And in terms of the traffic study. I believe that that original traffic study was done in the middle of the week in April and came up with a six percent increase based on that. I think that traffic study should be looked at very closely and it should be determined what that would mean, extrapolate it to what it would mean in the height of pumpkin season and the height of summer vacation season.

Because it already takes 15 minutes to get an ambulance to Jamesport, to pick up someone who needs to go to the hospital. So traffic is an issue and it would be a disadvantage to the community to even have a six percent increase. So that's all I have to say about the traffic study.

Now for what I actually prepared (inaudible). So I'm not going to give you another 30 pages to submit. I've done that in three public hearings already and I have been here every step of the way for eight years. And if you have read the minutes of the first public hearing, you would have known that the Jamesport Civic Association held a public education forum to teach the public on how zoning works with the special permit- specially permitted use, how it differs from how you present it to the ZBA, what's appropriate, the A thru R conditions that need to be met, and then the town board then decided to do a scoping hearing for the EIS and we held public forums on that too. That the civic association has stepped up to the plate to make sure that the public has the most amount of information possible. So we did do that.

And we have had assurances from inside this building for eight years that when the EIS, the DEIS, the FEIS came in. In May you told me in your office that you didn't think this project was going anywhere.

I was in your office again in August and I know you were somewhat distressed at that time because of the condition of your

mother's health but there was no mention of an FEIS being submitted then either. And you know that that's our number one concern in the hamlet of Jamesport. So I'm just a little miffed by that. Okay? We'll leave it at that.

So I support the work and the research and the- "

Supervisor Walter: (Inaudible)

Georgette Keller: "Done by- into the FEIS, done by Larry Simms and by Nancy Gilbert and by Richard Wines and I support all of the findings in the pages upon pages that were submitted yesterday morning so that it was convenient for you to be able to review them before today.

Instead I'm going to respond to some of what you as individual board members have had to say about this project because you need to consider in your deliberation and your vote whether the hazards and disadvantages to the neighborhood are outweighed by the advantages to be gained.

Mr. Wooten, you said that you believe this project will be a boost to the hamlet and Mr. Gabrielsen you echoed that sentiment that if they got the special permit and you said Monday to Riverhead Local that you believed business owners in Jamesport will benefit from the project and that they support it.

I respectfully disagree that it will boost in its present form the village of hamlet character. It will change it. And it will do so for many of us who live there like myself and the surrounding area.

The parking issue needs to be resolved before special permits are granted. It needs to be a condition that the cross easements need to be in place and needs to be on the site plan and it needs to be a condition of approval to protect- "

Supervisor Walter: "Hold on right there. Charles, I want you to think about that cross access easement, whether- Rick, do you know where it is that we're talking about so they can get behind the stores whether- "

Georgette Keller: "Hold on, I'm not done. Please don't interrupt me now. I've had a hard time holding my tongue and I

apologize."

Supervisor Walter: "Georgette, Georgette, I'm trying to get something right here. I want you to talk to him about if that is- it really is a site plan issue but if we could put it in the special permit, if they would consent to that, we would do that."

Georgette Keller: "Well, you can vote on the special permit with the conditions in it and if they can't meet the conditions, they don't have the special permit."

Supervisor Walter: "But it's a site plan issue. It's not an issue for us here but if they'll consent to it, we can put it in here- "

Georgette Keller: "So then why don't you hold off on the special permit process until the site plan process is complete? That's all these issues."

Supervisor Walter: "We can't do that, Georgette. You can't do that, Georgette, because they cannot- they cannot study and build a use that's not permitted. This is- you can't put the cart before the horse. We're the horse. We've got to make the decision- "

Georgette Keller: "But you can't leave these business owners unprotected."

Supervisor Walter: "Let me finish. If they will consent to that cross access easement to access that back parking lot now, we'll throw it in. It's not appropriate now but if they'll consent to it, we can throw it in."

Georgette Keller: "It is appropriate now because now is when we're weighing advantages versus disadvantages. They are not weighing the advantages versus the disadvantages in the site plan review process."

The business owners of this hamlet typically don't speak out because of Mr. Klein's relationship with Miss (inaudible). And you know what I call that? I call that fear of retaliation and as a teacher I recognize it as a symptom of bullying and I don't think I need to say any more on that.

Mr. Dunleavy, Mr. Dunleavy, you know I love you but- "

Councilman Gabrielsen: "Nobody bullies Mr. Gabrielsen. I want to make that very clear."

Georgette Keller: "You're not on the Main Road in the historic district there."

Councilman Gabrielsen: "We have a lot of land business on the Main Road. That concerns— believe me, that's my town."

Georgette Keller: "I know. I know it is."

Councilman Gabrielsen: "It's your town. All Riverhead is my town. I've lived there. Believe me, I have concern."

Georgette Keller: "I know. And I do a lot of work all over Riverhead town. I have six jobs I don't get paid for and only one that I do. So I have avocations and vocations as well and that's why I'm here today."

Mr. Dunleavy, you said you can't change things in the middle. You can't keep having hearing after hearing after hearing and I understand what you say because it seems like it's been a bog down process and that nothing gets anywhere. But everyone knows that government and the court are slow, it's not a revelation.

But the time that it has taken for this project to get this far is a testament to the issues that we're discussing. It deserves the careful consideration and the consideration of that lot line. I disagree with you.

In 1987 I was only a weekend summer visitor here so I would not have read that legal notice. We still don't know why it happened and it doesn't matter why it happened. It may have been a simple drafting error and it got sent out that way and it got published that way and I have been told by previous board members that it just got left that way in the master plan because they just followed the line before it. They didn't question it.

But it is our job to question what is in the master plan from time to time and in 2004 when this project first started coming up I noticed it. I brought it to the town board's attention and I have been dismissed every step of the way every single year in finding out-- investigating into it to find out why if someone was so inclined to find out why and to fix it because it is inequitable to

the other rural corridor property owners in this town. It's not fair. And that's just wrong. So it needs to be fixed. It doesn't matter who did it or why. It's what right. And period.

When we find that we have schools that are disproportionately discriminatory based on race, it's our job to redistrict, to fix it. It doesn't matter how or why it ended up that way, you fix it.

You come home from work and your livingroom window is broken and it's cold outside, you fix it and then you worry about why and how later. This is obviously an anomaly and it's just wrong.

There's lots of speculation on how and why it ended up that way but I'm really not interested anymore. I'm not.

So that's my demand on that. Either that happens or there has to be a stipulation of agreement to abide by that so that the developer can gain the support of the community. We'll get into that later.

So I believe that something needs to be done in terms of the taxes, too, Mr. Dunleavy. You said that, you know, you understand the people say they don't want things in their community and they don't want their taxes to go up either and, yes, we live in a town where the residential property owners pay the lion's share of the taxes of this town. So we do need to turn that around.

But then maybe there needs to be a condition of no applying for IDA tax abatements for this project to ensure that it would actually pay taxes."

Supervisor Walter: "Actually I don't think that's true, your statement that the residential pays the lion's share. I believe the commercial. But I can find that out. It's an interesting point. But I think your- "

Georgette Keller: "Well it's not equal to what most towns do."

Supervisor Walter: "No. I think you're incorrect."

Georgette Keller: "And that is an area that we need much improvement. You've said so yourself."

Supervisor Walter: "I think you're incorrect and I'll find that out. I don't think Bill Rothaar is here. He's busy working. Scott, can you do me a favor? Find out, and it's not really you, but find out who pays the percentage of residential versus commercial. Because I want to know that in tax base."

Georgette Keller: "And then look at what that is in other towns."

Supervisor Walter: "Hold on."

Georgette Keller: "East end towns."

Supervisor Walter: "Yeah, no, we're probably--"

Georgette Keller: "I'm asking you to look at this stuff, not to vote on this stuff today but to look at all of these issues and all of these items. I believe it must be done, too, so put a condition on it that they can't go to the IDA and that will solve that and, Mr. Supervisor, you told Riverhead Local Saturday that you wanted the bistro special permit use to be limited and we agree with that. So we actually do already have common ground."

Supervisor Walter: "And I would never support IDA credits here and if I had to I would speak up--"

Georgette Keller: "But it's not up to you. It's up to the IDA."

Supervisor Walter: "That's correct."

Georgette Keller: "But so why can't we get stipulations and agreements to not apply for them?"

Supervisor Walter: "Well we can work on that."

Georgette Keller: "Because that's the only way you come up with an advantage to the community is actually paying taxes. Okay?"

Supervisor Walter: "You have my word to say apply for IDA, I will speak out against it."

Georgette Keller: "You also said on Thursday at the work session that board members would be spoken to individually by Mr."



Hanley to discuss the proposed conditions for the permit. I took extreme umbrage with this because why, why wouldn't you want to have them discussed right there at the table at work session for transparency with our government, to know what's happening and know what you're thinking- "

Supervisor Walter: "You have the absolute right to ask and everybody has been up here and if you had a question for the board members, you could ask them."

Georgette Keller: "Well, there are those out there who feel that you were trying to keep information from the public on this because of the outcry- "

Supervisor Walter: "Not so. If you have a question, go ahead ask."

Georgette Keller: "So that leads us to the last part here. I promise I'm almost done."

The acceptable conditions in my estimation for the general community to then probably support what we as part of save Main Road and the Jamesport Civic Association and myself as an individual will accept in exchange for these modifications that we will support the developer to move forward with special permits is one.

Change the name. We are a hamlet, not a village, not yet anyway."

Supervisor Walter: "Change the name of the- "

Georgette Keller: "For the project. The Village at Jamesport. We already have our hamlet center. We already have our historic district and it's really trading off that and it's quite offensive."

You can have a cute name but it doesn't need to intrude on the nature of the historic district."

Number two. Reduce the amount of development to that allowed by a 500 foot development allowance and if you do that then in exchange in my capacity as an individual, as part of the civic and save Main Road and the landmarks preservation commission, I would support variances that would allow that amount of development to be

spread across the land so that it can meet the master plan's intent and purpose which is to look rural in nature.

And leading to the architecture, because the architecture next door, on the next adjacent parcel is part of the historic district, if this limited development is placed correctly, it must also be designed correctly.

The master plan says development should look like houses and farm buildings in a rural setting and so because one of the architects on the project also served on the ARB, I would ask that Mr. Sorrell (phonetic) voluntarily recuse himself."

Supervisor Walter: "I would agree."

Georgette Keller: "And because of the personal interest that he should seek-- that the ARB should also seek the guidance of the landmarks preservation commission which I would be willing to recuse myself from the project as well, if that's what the parties want. And given that even with 22,000 square feet of development it would dwarf the historic district.

So it would still need be looked at very closely and I think that it is appropriate for landmarks to be part of that. And Chapter 73 calls for flexibility in zoning to protect historic structures and district. So you are charged with adding that in there too because this is an abutting parcel.

Four. That the developer will not apply for the IDA-- to the IDA for tax abatements because we already know that the developer has already overstated the tax revenues by 97% which Mr. Simms has supplied to you, Mr. Supervisor. You said they weren't relevant to you but they are relevant to me as a taxpayer. I want to see that tax get collected especially if we're going to suffer this development in our midst.

And, five, which is to limit the bistros which you had already said you would but I would feel much better if the town actually did research into what the national industry standards or the New York industry standard is for a 50 seat small restaurant/bistro, whatever tag you want to put on it. But any eating establishment that's 50 seats, what is the average square footage and you could even add 10% to that for fees or whatever but that would seem the most prudent way to go.

Not just say, well, we'll cut it in half. I think we would feel more comfortable knowing that it was based on research. I'm a teacher, I like research.

And then last but not least is the topography of the land and that it overall will not change. The natural slope and the hill in this area is why this area was settled, not only by us of European descent, but of the transitional people of eight to ten thousand years ago.

It's part of our history that deserves to be preserved not bulldozed so that a land investor or a developer can make a profit at the expense of our community character and our cultural resources.

The excavation of 88,000 cubic yards of earth and the removal of three quarters of that, 66,000 cubic yards from that parcel, is tantamount to sand mining and we all know that's illegal.

Retaining walls are an eyesore and we need to protect the cultural resources of Jamesport hill site one. That's the most significant area of archaeology in our town and that has been supported by the FEIS and by New York State and a retaining wall to hold back that burial pit is just not acceptable to me as a student of history.

So these conditions provide the community with a lot of advantages then and that's why I said I wanted to come to the podium with possible solutions. And that's why I asked you to not vote on this today to make them the conditions that make development responsible. Responsible to the community, responsible to our history, responsible to the historic district because those specially permitted uses then put those units in direct competition with our historic district which we are supposed to be protecting and encouraging the (inaudible) use of.

So that sums it up as an individual, as president of the Jamesport civic association, as a founding member of Save Main Road, and as a member of your landmarks and preservation commission. I serve on it willingly and faithfully as always."

Supervisor Walter: "That's why we gave you 25 minutes. Because you're on all those committees. Thank you. All right. Next."

Ann Kowalsick: "My name is Ann Kowalsick. I just have a question also about the way this property is going to be excavated. We are right next to this property and we are up on the hill. Now when it gets excavated, I mean what's to say that our land isn't going to erode over time. I mean how are they going to prepare for that? Is any of this being answered? I mean they're just allowed to go in and take all the soil out. I mean, we're right next to it. I mean we're up on the hill."

Supervisor Walter: "Right. It's not part- that's a completely different application. That's part of the site plan review and you will be able to- the planning board even though this probably is not going to be subject to a permit type hearing because it predates our hearing statute, the planning board will let you speak on that and they're not going to be able to dig this out and undermine your house. Whatever they do will have to be engineered so it works. It's not part of this review."

Ann Kowalsick: "Yeah. How are we going to be notified? Because a lot of this goes on without us finding out."

Supervisor Walter: "The best way to do it is the planning board schedule is- the things that they discuss are usually published on our website. I would stay in contact with the civic organization because they're pretty intimately familiar. RNPC, good groups that stay on top of this stuff. So that would be the way I would keep in touch."

Your husband keeps whispering to you. Go ahead. What's the next one?"

Ann Kowalsick: "Well, I just want- I mean why are we not getting like a certified letter or something by the developer or his attorney letting us know when- "

Supervisor Walter: "It's not required as part of this process. But it is- it will not be difficult- if you hook up with Georgette Keller, RNPC, it will not be difficult to get this information. They will keep you abreast of it I'm sure."

So, do you know Georgette and do you know Dominique Mendez?"

Ann Kowalsick: "Yes, I know Georgette. Yes."

Supervisor Walter: "Get on their mailing list and I'm sure they will keep you up to date. And the website as well. And we have a new website."

Ann Kowalsick: "And I also think you should not vote on this today. You should table it. This is- I mean just too much that should be looked into and as far as saying that you should- multi-use would be better, I mean if retail is what they have, you know, but just decide that for our community, multi-use would be better. I don't think that's right."

Supervisor Walter: "All right. Thank you. Next speaker. Mr. Simms, we're not doing seconds at the podium. We're not- Mr. Simms, let me get through the speakers. We're not doing seconds. We've been at this two and a half hours. I want to get through the first round of speakers and if something absolutely has not been addressed and you have absolutely a burning desire to tell us, we will let you speak again."

Who else wants to be heard? Hi, Miss Hartnagel."

Jen Hartnagel: "Good afternoon. My name is Jen Hartnagel. I am speaking on behalf of the Group for the East End."

I just wanted to comment not on specifics of the proposal but just to comment in general about the process here today. I mean this demonstration should really serve as a lesson because I think it's going to happen again and again from residents from Wading River to the town border by Southold.

I mean people care and people want to see Riverhead preserved. And there's a problem here with the process and I agree with Georgette. If something is broken, you have to fix it.

There's a lot of tension and back and forth and it's really not necessary. There are deficiencies in the DEIS and we've commented on them. Why haven't they been corrected and why are they now in the FEIS?

Another public hearing was asked for and that fell on deaf ears. Information was asked for and that wasn't provided. And these are rightfully the issues of this discontent here today. This is a broken process. And after listening to all of this, I don't think you should be voting on this proposal today.

I know it's taken eight years but once you approve this, that's it. So I'm asking on behalf of the Group to hold off on this as well until all the information that they've asked for can be reviewed.

Thank you."

Supervisor Walter: "Thank you. Anybody else wish to be heard? Mr. Romano, how are you doing today, sir?"

Steve Romano: "Hi. Good afternoon. Steve Romano, Riverhead. I have no horse in the race and actually I came to the meeting just I thought it was a regular town board meeting and I didn't know what we were going to be discussing.

But I guess my question following up on the young lady is if this thing has been studied two to three, four, five years, how is it possible when we come to a final conclusion where it looks like the board-- that there's all-- when I first was here and people were mumbling I was getting a little annoyed that, you know, why don't we just hear the meeting, talk about the facts, respect each other.

And when the supervisor said basically, again, I want to-- so I'm clear in my mind, the builder right now can build 24 retail units of 45,000 square feet based on everything that's been-- that's transpired. Correct?"

Supervisor Walter: "Forty two thousand square foot of retail. There are a couple other uses but 42,000 square foot of retail."

Steve Romano: "And he wouldn't have to do anything else and there would be no special permits."

Supervisor Walter: "Correct. He's have to go through site plan and probably more than half of what has been discussed today are site plan issues. The only thing before us is does a small restaurant/bistro or professional office, are those uses permitted because what we are looking at, if you look at retail and you look at professional office and look at bistro, are those uses-- professional office and bistro, you know, I don't want to even put words in-- I don't know how to put it into words.

Because I've done it twice already but the-- on the professional offices and retail, similar in the impact that, excuse me,

professional offices and bistro, similar in the impacts that all retail would be.

And we're looking at specific things like traffic and other things and so the question is if you're allowed all retail or you're allowed all retail with the two bistros and professional offices, are they similar projects.

That's really all that's before us. The rest of it goes with site plan, cutting, filling the hill, excavation also."

Steve Romano: "So would I be correct in saying that it would seem the easiest way for the board- I mean, would just approve the 24 retail units? Because I'm reading that you're trying to do something for the community that's better, but they certainly don't see it that way.

And I was kind of leaning towards your- well, what was said towards your view until all these other questions came up and you know I've spoken about the Wading River thing and it's very frustrating as a resident and taxpayer to say, how is it possible, and all this time has gone by and all these questions still are outstanding.

Because it makes your job much more difficult and the community seems to be frustrated over something that seems to me should have been resolved long ago."

Supervisor Walter: "You know what the most difficult part of this job, Steve, if you don't mind if I call you Steve."

Steve Romano: "No. Go right ahead."

Supervisor Walter: "Is that we- a lot of times we have people come out from the hamlets, certain civic, certain special interest. The most difficult part for the five of us sitting here is try to discern what the silent majority of the town wishes in face of, you know, people that come out and speak and, you know, it's a tough thing. But from the dawn of time this has been a tough issue for elected officials and it will continue well after we all have gone."

Steve Romano: "Good luck."

Supervisor Walter: "Thank you. All right. Does anybody else

wish to be heard? All right, we're going to let you two and then we're going to cut off and go to resolutions. Thank you."

Larry Simms: "Thank you for the courtesy. I have a question."

Supervisor Walter: "Mr. Hanley is going to answer, talk about traffic."

Larry Simms: "My question is this. I have heard at least five times today and I've heard it previously in meeting with town officials, that the alternative that you think you're facing is professional offices and bistros or all retail. That's the phrase that's been used.

Now that is not the phrase that the developer has used and in fact the FEIS is quite explicit that the alternative plan is not all retail. The alternative plan is 22,700 square feet of retail categorized as a convenience center, and the other 19,000 feet and change is not retail, not conventional retail.

The FEIS says it is antique stores, craft stores, and I presume the kind that really sell crafts and not wine with some yarn on the side, and museums. So that is what you're supposed to be voting on and that is why I and the 225 petition signers and I think many people in this room are saying that that would be more attractive to us.

Wholly apart from the question you must answer of whether or not there's an advantage. We like the idea of if there's going to be 42,000 square feet that nearly half of it will be antique stores, craft stores and museums.

And if you think that you're voting on bistros versus all retail, all retail shops, like clothing stores or any other kind, I think you're mistaken. That is not what the FEIS says and I think the developer cannot be misrepresenting his intentions in that fashion.

So if you have any reason to believe that it is unrestricted retail use contrary to what the plan says."

Supervisor Walter: "I'm going to say to you with the exception of museums, I consider all that stuff retail sales but



that's me. So you're selling something- you're selling antiques, unless you're a wholesale antique, you're retail. I'm just lumping it all into one, you know, I have an item to sell. I go and sell it.

So with the exception of museums, everything named as far as I can see is retail."

Larry Simms: "Well, you asked us how we feel and how we could favor the all retail proposition. The reason is that we like the idea of antique shops and craft stores and museums which would comprise half of this development.

So before you quickly say bistros are better- "

Supervisor Walter: "That's not really accurate. You- "

Larry Simms: "I only know what I read in the FEIS."

Supervisor Walter: "But they're not limited by the zoning code to put half of this as- "

Larry Simms: "Then why does the study that you've accepted stipulate 22,700 feet of retail and 19,000 some odd square feet of antique stores, museums and craft stores?"

Supervisor Walter: "It could be all antique stores and museum or it could be retail."

Larry Simms: "Yes, it could."

Supervisor Walter: "It could be either way."

Larry Simms: "That's not what the plan says."

Supervisor Walter: "I understand that. But if you knew- "

Larry Simms: "Did you accept the plan without asking the developer?"

Supervisor Walter: "If you knew- when you look at- let me rephrase this.

When you scope a project, you have to come up with something to

study. It's no different than what we did at EPCAL. We had two plans, plan A which is a mixed use industrial, commercial development. Plan B is a mixed use industrial commercial development with a polo field. You have to come up with a scenario to study because without that study, what are you studying? You've got to lock that in.

And that's what they've come up with. It's not to say that it would be completely limited one way or the other, but they're trying to take the best guess as to what or best- when it was scoped, they're trying to take the best scenario they know at the time as to what to study.

It could be all antique stores, I don't know. I mean- "

Larry Simms: "Well, then why not take the plan as it's been presented, the alternate plan, and condition the development on that?"

Supervisor Walter: "Because if you condition it on that and you can't do it you can wind up with 50% of vacant stores one way or the other."

Larry Simms: "I thought that wasn't your job to consider."

Supervisor Walter: "That's why we're not conditioning it that way."

Larry Simms: "Well, before you vote for bistros versus all retail, consider what the plan says, please."

Supervisor Walter: "All right. Thank you. Last speaker. Do you want to- "

Tom Kowalsick: "Tom Kowalsick. He kind of pretty much said what I was thinking because you keep referring to retail and I don't think a lot of people knew what was kind of allowed in that situation."

Supervisor Walter: "He said it, sir. Cut to the chase. We need to keep going."

Tom Kowalsick: "All right. I've got to live right next to what you're deciding to put up here, okay, so just, you know, give

me a little time here, all right.

But I certainly, if I have to make a choice, I'd rather be living next to— and the way I thought I went onto the Riverhead town site and looked at the code and whatever, that that property in regard to retail was limited to things like antique stores and things that kind of were a part of what was grown out on the east end and things of that nature. And correct if I'm wrong.

I heard someone say something about convenience center. And I have no idea what that is, but I mean I hope that's not a Seven-11."

Supervisor Walter: "You'd have to pull up the code. You'd have to look at the code. It will tell you exactly what— "

Tom Kowalsick: "You don't know what it is? I'm a lay person here. You don't know what that is, what that means? You can't help me out here, okay, thank you."

Supervisor Walter: "Thank you. Next speaker. You're done? Thank you. I said one more speaker, you're it, that's it. That's it."

Robert Keller: "The issue— I don't get to talk much with her in the house so but seriously this is the crux of the issue before you guys.

If you do not approve the special permits to give them these additional uses, economically I don't think the developer will choose to build that much retail space because he will not be able to rent it. That's it.

If you approve this, then he can build more. If he says well I'm going to build 42,000 square feet of retail space and leave it all empty, he's not going to do that. Maybe he'll do his own impact statement or maybe I can rent 22,000 square feet and I'll build that but if you give him this, I think you're opening up the door to the whole shebang.

And that's my sentence."

Supervisor Walter: "Thank you. All right, Rick, I want you to talk about the traffic— where did Rick go? And you had some brief conversations with Mr. Cuddy."

Rick Hanley: "I think the question was-- which intersections were studied?"

Supervisor Walter: "Which intersections-- just basically give an over of the traffic study."

Rick Hanley: "Well we have peak times, weekday peaks and we have weekend peaks. Am I supposed to go through the entire-- "

Supervisor Walter: "I just want you to give a brief overview. We're not taking (inaudible) from the audience."

Rick Hanley: "The vehicle traffic impact study that was done, in the EIS, essentially was done for the State of New York, since the State of New York is the access highway here and they'll be approving all improvements."

So we looked at Circle Drive and Main Road. We looked at Manor Lane and Main Road and South Jamesport Avenue, Main Road. Nothing east of Manor (inaudible)."

Supervisor Walter: "And this is a pretty standard traffic study-- "

Rick Hanley: "Standard traditional traffic study."

Supervisor Walter: "And has the DOT accepted it yet?"

Rick Hanley: "Yes. And they will be approving the work permit eventually for the improvements within their roadbed which is in our findings statement."

Supervisor Walter: "All right. Good. You spoke to Mr. Cuddy. The no-- I know this is-- you know lawyers, you never want to ask a question that you don't know the answer to, but here it goes."

Is he willing-- are they willing to put a provision in here that there will be no fast food restaurant?"

Rick Hanley: "Yes. I think the question is word-smithing it, so technically write it, do you want us to do it now?"

Supervisor Walter: "If you want to get a vote on it, you and Mr. Cuddy should be word smithing it so it works. We'll call that

resolution last."

Rick Hanley: "Okay, we'll give it a try."

Supervisor Walter: "And what about the cross access easement?"

Rick Hanley: "I guess we could have a condition that no site plan would be approved prior to some cross access agreement as well as an- I think it was not just cross access but was it improvements to those properties?"

Supervisor Walter: "We would just do the cross access and let the improvements fall with site plan."

Rick Hanley: "Because I think- there's an expectation that the developer would be making improvements off site on other people's property. Is that what people are asking for?"

Supervisor Walter: "I don't think you can do that because-"

Councilman Gabrielsen: "No, I think to provide the easements."

Rick Hanley: "Okay."

Supervisor Walter: "Provide the easement."

Rick Hanley: "That we can do."

Supervisor Walter: "If he says no I can't do anything, we have to do something but we'll deal with that."

So we just want them to make an irrevocable offer of cross access easement along that- "

Rick Hanley: "To properties to the east."

Supervisor Walter: "To the east, correct."

Rick Hanley: "Okay."

(Some inaudible discussion)

Councilman Gabrielsen: "So the paving of this private property like behind some of the stores, that would be a site plan. If you negotiated that, that wouldn't be here."

Supervisor Walter: "That would not be our- "

Councilman Gabrielsen: "It's not our purview."

Rick Hanley: "It's not part of the site plan on this parcel. You might want to try and negotiate with the developer if he'd be willing to make improvements on other people's properties. He's showing 15 stalls on his property for the general use in Jamesport."

Councilman Gabrielsen: "Right. Up in front to the east, against the barber shop area."

Rick Hanley: "Am I hearing that the folks want that as well as other improvements or they would rather- "

Supervisor Walter: "I don't think we can ask that this developer make improvements to someone else's property."

Councilman Gabrielsen: "Definitely want to work on the easement that they would have- to come out and use the enter and exit which would be considerable cost that would be saved by their (inaudible)."

Councilman Wooten: "I can tell you I have a hard time with both."

Councilman Dunleavy: "Rick, I don't know if we can ask him to get all these easements because these property owners- "

Rick Hanley: "I think what we're suggesting is he would grant an easement, a cross easement, on his property line to allow individuals to pass and re-pass over his property onto property- "

Councilman Gabrielsen: "Like we do some of the cross easements- we go from parking lot to parking lot."

Councilman Dunleavy: "We can't put it that he has to get cross easements on other people's property. He can't because, you know (inaudible)."

Supervisor Walter: "All we're doing is asking for an offer of an easement."

Councilman Dunleavy: "Right. Okay."

Councilman Wooten: "On his property."

Supervisor Walter: "On his property. That's all we can do. That's all we can do. An offer of an easement on his property."

Is that what the board- if we do no fast food restaurants and an offer of an easement, no fast food chain."

Councilman Dunleavy: "I tell you what. I was here. That's why bistro was put in so no fast food restaurants can go there. That's why we did that. I'm being honest with you."

Rick Hanley: "Our code does not- "

Councilman Dunleavy: "And, George, Mr. Keller said that the ambulance takes 15 minutes. Well the reason it takes 15 minutes is because we have an ambulance barn that we pay for but we can't get any volunteers from Jamesport to help out."

The fire department doesn't want it, to help us, and also no citizens in Jamesport want to help us so the ambulance has to come from Riverhead because that's where we get the volunteers from."

So that's why it takes a while to get the ambulance out to Jamesport."

Supervisor Walter: "And we're working on that. We've got some ideas."

Councilman Dunleavy: "And we're working on it. But I mean this is one of the reasons that the ambulance takes so long to get there because we just can't get the volunteers from Jamesport or the fire department to step up to the plate and say we'll help you out."

Supervisor Walter: "Okay, let's do this. Let's see if you can- if that's the desire of the board, it's my desire, I think it's yours, your desire. I'm just asking that this- the desire for no fast food chain and irrevocable offer of an easement. Whether you can get it to the next property owner, we can't make that in the

resolution.

If that's the desire of the board, that works for me, that works for you. That works for you, Jim?"

Councilman Wooten: "What's that?"

Supervisor Walter: "The two issues, add to this."

Councilman Wooten: "I know it's important issues."

Supervisor Walter: "All right. I think you have three to add-- Mr. Cuddy, can you spend a few minutes if you're in agreement on this and let's try and work this out. We'll call that resolution out of order. You've got a few minutes.

All right. Diane, we're going to take a five minute recess and then we'll take up resolutions. Okay?"

Recess

Meeting reconvened

Supervisor Walter: "All right. Let's get started again. Ready? Okay, Diane."

Resolution #246

Councilman Dunleavy: "Can I pull a tabled resolution off the floor?"

Diane Wilhelm: "Oh, sure. You want to do that one first?"

Councilman Dunleavy: "I make a motion to pull Resolution 240 off the floor. So moved. I mean untable it."

Councilman Wooten: "And second to untable."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been-- Resolution 240 has been untabled."



Councilman Dunleavy: "I move Resolution 240 authorize publication of help wanted advertisement for town building and planning administrator. So moved."

Supervisor Walter: "Are we going to withdraw it?"

Diane Wilhelm: "Yes. We're withdrawing it. We have a new one."

Councilman Dunleavy: "I make a motion to withdraw it. So moved."

Councilman Gabrielsen: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 240 has been withdrawn."

(Some inaudible discussion)

#### Resolution #246

Councilman Dunleavy: "Appoints steering committee for NYDOS for BOA grant. So moved."

Councilman Wooten: "And I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

#### Resolution #247

Councilman Wooten: "Awards bid for annual construction contract. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #248

Councilman Gabrielsen: "Awards bid for annual materials and asphalt procurement contract. So moved."

Supervisor Walter: "Seconded."

Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #249

Supervisor Walter: "Appoints an intern to the police department."

Councilman Dunleavy: "So moved."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #250

Councilman Dunleavy: "Accepts the resignation of a homemaker. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten."

Councilman Wooten: "Yes. I'd like to thank Felicia too for all her work she's done for seniors. Seconded. Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #251

Councilman Wooten: "This accepts the retirement of a

maintenance mechanic IV. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Call 253 and 254 out of order. Oh, I'm sorry."

Resolution #252

Councilman Gabrielsen: "Ratifies request for leave of absence. So moved."

Councilman: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter."

Supervisor Walter: "Hold on a second. Not in my packet-- oh, yes. Yes."

Diane Wilhelm: "That's a yes. The resolution is adopted."

Okay so 253 and 254 for last? Okay."

Supervisor Walter: "We're just going to call them later."

Resolution #255

Councilman Wooten: "This rescinds Resolution #102 of 2012. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #256

Councilman Gabrielsen: "Authorize the supervisor to execute an agreement with Barist Elevator Company, Inc. So moved."

Supervisor Walter: "Seconded."

Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #257

Supervisor Walter: "Amends Resolution No. 20 of 2012."

Councilman: "So moved."

Supervisor Walter: "And seconded."

Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #258

Councilman Dunleavy: "Authorize the supervisor to execute an amendment to professional services agreement with WFT Data Services. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #259

Councilman Wooten: "Approves the Chapter 90 application of the American Cancer Society (dog walk to fight cancer - May 6, 2012). So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #260

Councilman Gabrielsen: "Approves Chapter 90 application of the American Heart Association (healing heart 5K run/walk at Martha Clara Vineyards - May 20, 2012). So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "I'm sorry. Second. Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #261

Supervisor Walter: "Approves extension of performance bond of Riverhead Reeves Associates, LLC a/k/a NF Gold Resorts (road and drainage improvements). So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #262

Councilman Dunleavy: "Authorize the supervisor to execute an agreement authorizing the town to accept funds from Suffolk County Office of the Aging to supplement the town's residential repair program for the elderly. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #263

Councilman Wooten: "This authorizes publication of a help wanted advertisement for town building and planning administrator. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #264

Councilman Gabrielsen: "Approves Chapter 90 application of East End Arts and Humanities Council, Inc. (16<sup>th</sup> annual community mosaic street painting festival - May 27, 2012). So moved."

Supervisor Walter: "Seconded."

Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #265

Supervisor Walter: "Approves Chapter 90 application of Peconic Bay Region of the Antique Automobile Club of America (AACA) (car show - May 26, 2012). So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #266

Supervisor Walter: "I make a motion to table Resolution 266."

Councilman Dunleavy: "And seconded to table."

Supervisor Walter: "Moved and seconded to table."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution 266 has been tabled."

Resolution #267

Councilman Wooten: "It awards the bid for well and pump testing, evaluation reporting and information management for the Riverhead Water District. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #268

Councilman Gabrielsen: "Rejects bid and authorizes town clerk to republish and post notice to bidders for corrosion control chemical (PO4). So moved."

Supervisor Walter: "Seconded.

Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #269

Supervisor Walter: "Authorizes execution of water service agreement with Castel Court, LLC. So moved."

Councilman Dunleavy: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #270

Councilman Dunleavy: "Authorizes the release of New York State Office of Parks, Recreation and Historic preservation grant. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #271

Councilman Wooten: "Motion to pay bills. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Okay, Diane, we have two we'd like to take off the floor and George if you could move both of them. This is for the wells."

Councilman Gabrielsen: "Okay, I'd like to take Resolutions 272 and 273 off the floor. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote as to taking off the floor."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolutions 272 and 273 are taken off the floor."



Resolution #272

Supervisor Walter: "Okay, George."

Councilman Gabrielsen: "Okay, Resolution 272. It's 202-B, final order authorizing increase and improvements of the facility Riverhead Water District proposed Route 105 transmission main. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #273

Supervisor Walter: "Authorizes the town clerk to advertise for bids for project number Riverhead Water District 12-51 installation of water transmission main County Road 105 Riverhead Water District."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "All right, Bob, do we have language for- "

(Some inaudible discussion)

Supervisor Walter: "Rick, are you out there?"

Robert Kozakiewicz: "I guess while he's doing that, I did note that there were a couple of (inaudible) errors which I can address. Rick is in the other room."

On the Resolution which is the calling for the action on the bistro use, this is Resolution 253, in the third Whereas, it discusses the holding of the public hearing on the subject special

use permit on January 15, 2007. That should be January 15, 2008."

Supervisor Walter: "Which one is this?"

Robert Kozakiewicz: "This is the third Whereas. Second page, third Whereas."

Supervisor Walter: "January- what was the date?"

Robert Kozakiewicz: "January 15, 2008. If you look up two Whereas' above that it makes reference to the fact that the town board referred the action to the planning board on August 7, 2007 and reviewing the record, it appears that the referral back from the planning board came thereafter, I think September of 2007 and December or October of 2007, the town board called for the public hearing. So, and they were- it should be 2008."

Supervisor Walter: "Okay."

Robert Kozakiewicz: "On the first Resolve, the identified zoning use district is business CR, that is incorrect. It should be rural corridor. That would be the small numeral i. Yes. So it should be rural corridor."

Supervisor Walter: "Okay."

Robert Kozakiewicz: "That's the- with respect to the (inaudible) changes that need to be made."

Turning to Resolution 254, which is on the professional offices, the same issue appears on the second page in the one, two, three, four, fifth Whereas. Again it should be January 15, 2008. Business CR should be rural corridor. And the small i again in the first Therefore Be It Resolved.

In the second sentence of the Therefore Be It Resolved, it identifies it as an 8,500 square foot- it should be 17,000. Again, second page. That's correct. It says 8,500. It should be 1700-17,000, I'm sorry.

And that's it as far as (inaudible) changes. Rick has some other text change."

Rick Hanley: "Right. I guess we'll start with bistro. You

asked that we provide additional conditions. So the first condition Romanette I stays the same. And we're suggesting that Romanette II would read that no site plan shall be approved prior to the offer of a cross access easement to the properties to the east to the satisfaction of the town attorney. So that's condition number two. This is on page four. Conditions."

Supervisor Walter: "What number are you talking about?"

Robert Kozakiewicz: "Romanette II."

Supervisor Walter: "So three is going to be an individual bistro shall not be more than- "

Rick Hanley: "Right, 2,000 square feet floor area shall not exceed."

Supervisor Walter: "Okay. So give me that language again."

Rick Hanley: "That an individual bistro shall not exceed 2,000 square feet."

Supervisor Walter: "No, no, no. The one that no- "

Robert Kozakiewicz: "It's going to be the new Romanette II."

Supervisor Walter: "-- no site plan will be approved."

Rick Hanley: "Oh, I'm sorry. That no site plan shall be approved prior to the offer of a cross access easement to the properties to the east to the satisfaction of the town attorney.

And three, the first sentence would remain the same, individual bistro shall not exceed 2,000 square feet in floor area. And we're adding another sentence. That an individual bistro shall be limited to a bistro providing food service for a wait staff.

And that (inaudible)."

Supervisor Walter: "Okay, that was it?"

Rick Hanley: "No. There's one more on the professional office resolution."

Supervisor Walter: "Let me ask you a question about professional office. How did we get from 8500 to 17,000?"

Rick Hanley: "On this site plan, they show 8500 square feet of medical office and 8,000 square feet of professional office. In my mind they're both the same so I just added the two together. There was some confusion when we were typing this up.

But there are 17,000 feet of professional office; 8,500 square feet of it is medical."

Supervisor Walter: "It does say that in the- "

Rick Hanley: "It's in the body. Right."

Supervisor Walter: "Yeah, okay. What was the other change?"

Rick Hanley: "We need to have the same language in the professional office condition to allow for that offer of a cross easement. So we just added that."

Supervisor Walter: "Where are we adding that?"

Rick Hanley: "Page 4, Be It Further Resolved, the second Further Resolved, we have the condition and it's in one sentence and we're just adding the same language that we put- "

Supervisor Walter: "I'm not sure where you're adding."

Rick Hanley: "At the end. And that no site plan shall be approved."

Supervisor Walter: "You're in the professional office?"

Rick Hanley: "Right, page four, second Be It Further Resolved that the Riverhead town board hereby grants the special use permit to construct 17,000 square feet professional office for the condition that no building permit shall or land clearing permit or excavation permit shall be issue without the prior approval of the site plan and that no site plan shall be approved prior to the offer of cross access agreement. Same language as the other one."

Supervisor Walter: "Say it one more time."

Rick Hanley: "And that no site plan shall be approved prior to the offer of a cross access agreement to the properties to the east to the satisfaction of the town attorney."

(Some inaudible discussion)

Supervisor Walter: "As a result of the public hearing. All right. So not public hearing, turned into a public hearing.

Let's move 254 and 255- 253."

Resolution #253

Supervisor Walter: "Grants a special use permit petition of Jul-Bet Enterprises LLC construction of bistro."

Councilman Dunleavy: "And seconded as amended."

Supervisor Walter: "Moved and seconded as amended."

The Vote: "Gabrielsen."

Councilman Gabrielsen: "I'd just like to point out, I said this earlier that I'm really concerned about the business on Main Street. There's no parking. And I think working with this project, we could actually create somewhat of a boom for that. Because we'll now have an access and we'll have parking. So I think that's important.

And also very, you know, that we're going to have 15 parking spots (inaudible). The town will definitely gain-- will definitely gain Jamesport parking, helping these businesses and helping with some of the parking.

This also adds to the tax base and it creates construction jobs and also will create permanent jobs after. And what's America about today? Increase your tax base and jobs. It's at nobody's expense because this is done according to our code.

So I vote yes."

The Vote (Cont'd.): "Wooten."

(Inaudible comment from the audience)

Supervisor Walter: "No, you may not."

Councilman Wooten: "I'll tell you coming in I was poised to, you know, I weighed it as I do everything. I try to weigh because I know there's people passionate and believe me I can understand that. You know.

I'm trying to look at sustain-ability, economically-wise. I don't want another strip mall in Jamesport. I don't. I don't like the one that's there especially when half of them are closed. It's just a waste of space.

So I was looking at viability. I've seen a lot of sustainable growth and a lot of smart growth concepts (inaudible) up west. And I thought well this is probably a good answer for that. Let's knock it down, let's reduce the retail, let's put something in there that would be less of an impact because it's sporadic traffic. It's not all coming at one time.

Architect, lawyers and chiropractors, small bistros. There's four bistros in Huntington right now and they're all doing very well. There's less than 50 seats in them and there's people waiting to get in. And while they're waiting to get in, they're walking around the village and looking to do some shopping.

So I don't think it's out of character for Jamesport. I think it's a better use of the property than strip mall. You're right. There's probably a case to be made that who's going to build a strip mall because there's stores all over the place that are closed.

But that's really not the point. It's trying to create something that would be palatable, yet sustainable.

But then there were some concerns today about transparency. The FEIS was out there, maybe (inaudible) to let people read it, realize what it was about.

Some- the public meeting today which turned into a public hearing, there were some good points made and I think some of the corrections we made today (inaudible) and I think some of it was about the parking and I think some of it was about the traffic flows and I think this special permit which is- it's not giving them special rights. This is a specifically specially permitted use, it's an accessory use to that property, I think has a benefit- I do

weight it and I appreciate the passion and I can understand where it's coming from.

But in my heart of hearts I really think if this developer is going to build anything there, I want it to be sustainable and I want it to be non-intrusive. And I think the alternative is just too much to bear.

I'll vote yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I'm not going to talk as long as Councilman Wooten did- "

Councilman Wooten: "I'm sorry."

Councilman Dunleavy: "I agree with George, Councilman Gabrielsen, and I do agree with some of the things that Councilman Wooten said.

My thing is tax base. We can't put- we have a lot of open space. We have over a thousand acres of open space in the town of Riverhead where the residential tax people have to make up the taxes that were taken off the tax rolls. And I think that we have to build a tax base.

This is going to be behind the stores so it's not going to be along 25 where people can pull in and shop. They have to go there for a specific reason, for a law office, for a doctor or something.

So I have to vote yes because of the tax base. Yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #254

Councilman Dunleavy: "254, that's me.

Grants special use permit petition of Jul-Bet Enterprises, LLC,

construction of professional office(s). So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Gabrielsen."

Rick Hanley: "As amended."

Supervisor Walter: "As amended. Sorry."

Councilman Dunleavy: "As amended."

Supervisor Walter: "Moved and seconded, as amended."

Councilman Gabrielsen: "I just want to make a comment on something Councilman Dunleavy said on the tax base. It's really important. I know myself, my children, my grandchildren, we have to create some tax base in the town. We can't say no to everything or else our kids will never- it's just going to get- it's not getting better so we have an obligation to look at that.

All right. So I vote yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy."

Councilman Dunleavy: "I vote yes for the same reason."

The Vote (Con't.d.): "Walter, yes."

Diane Wilhelm: "The resolution is adopted."

Supervisor Walter: "Okay. What I- John- I want to get back to the hospital. I apologize to the residents. I have to get back to the hospital. Can you take over the meeting for me?"

Councilman Dunleavy: "All right. Now we're up to anybody that has anything to say on this meeting can come up to the podium and speak. Okay. The public can speak now."

(Some inaudible comment)

Councilman Dunleavy: "You have to go to the podium."



Ken Churchill: "Thank you, Mr. Dunleavy. My name is Ken Churchill. I'm a homeless (inaudible). I have developed over time— I have developed an economic plan to help homeless families.

At the same time, it's a plan at no cost to the state, at no cost to the taxpayer most importantly and at no cost to the downtown business merchant and at no cost to the homeless group or population.

By giving a small portion of land rights to homeless people, a land about the size of a soccer field that I would ask the town to apportion to homeless families so that if they have lost their home to a bank let's say and they have nowhere for a place to be and they would be otherwise known as trespassers, that an area, a portion of land about the size of a soccer field could be set aside for homeless families so that they may evolve onto a place that they could call home.

It's a resolution for land only, nothing else. It should be land close to a dump for many reasons that I will not elaborate on at this time. The full explanation of American Homeless Land Model is available at website Homeless Land Model.com.

And I thank you for your time. I don't think it's a good moment to, you know, ask a whole lot more of your time. I appreciate your hearing it. I guess your mike went out or whatever but you had a rough day and I thank you for your generosity allowing me to speak for people that are in serious trouble."

Councilman Dunleavy: "Thank you."

Ken Churchill: "Thank you."

Councilman Dunleavy: "Anybody else want to speak?"

Robert Keller: "Yes, because now I have nothing to lose. This is the facts of the case. Okay. And I'm going to call a spade a spade. You can say what you want, I don't care, but I have to live with this (inaudible).

This development is being developed by a mob connected developer. That's a fact. Okay. And the fact that you would go with the mob connected developer rather than the overwhelming disapproval of this town could only mean one thing, that you've

either in his pocket or you're afraid of him.

I don't buy it, I don't like it."

Councilman Dunleavy: "I don't think- I have no reason to think that he's mob connected. What happened years ago happened years ago and I don't- I'm not saying anything- "

Robert Keller: "I'm just calling a spade a spade."

(Inaudible comment)

Robert Keller: "So whatever, the fact that he was called public enemy number one doesn't that count? You say he changed. Come on. I watch the movie. Just when I thought (inaudible), they put me back- come on guys. We're not stupid. So if there's a problem I rally feel like the public should be listened to instead of, you know, corrupt- "

Councilman Gabrielsen: "I just want to comment on- you had made an accusation to the board members that we're scared. I repeat again, Councilman Gabrielsen isn't scared of anybody except the Lord and my wife."

Robert Keller: "That's fine. And I hope to believe- "

(Inaudible comment)

Councilman Dunleavy: "I spent 20 years on the police department not being scared of anybody and I will never be scared of anybody. I will tell anybody how I feel and what I'm up to and that's it. So and I don't think those accusations are warranted here and I think you're out of order with those accusations."

Robert Keller: "Well, it doesn't make- it doesn't add up."

(Inaudible comment)

Georgette Keller: "This town board just squandered a golden egg opportunity to come up with every one of those conditions that I put in there (inaudible). And that's a shame because I know we have site plan to go through and I was hoping that they listen to the landmarks preservation commission and- "

(Inaudible comment)

Georgette Keller: "-- because what they have in that site plan now is a bunch of white elephants. I hope there's a (inaudible) but there's no guarantees are there.

But before you voted on this you had the right and the ability and the moral obligation to every single one of us to do that because they want something special so we have the right to ask for something special in return."

Councilman Wooten: "I understand that. (Inaudible)."

Georgette Keller: "They don't have to go to- and you could have put a condition on it that they have to have a public hearing at the site planning which they don't have to do. But you could have made that a condition."

Councilman Dunleavy: "They have to go through site plan. We can't tell site plan how to operate. We can suggest and we can talk to individual members but we can't tell them how to address something."

Georgette Keller: "No. But you can tell the developer you want this special permit, then agree to a public hearing on the site plan (inaudible)."

Larry Simms: "I would be remiss if I didn't make a quick comment. I haven't accused anyone on this board of anything but I will now. I will accuse you of not listening.

Although we've been here for a long time and you've heard what we've had to say, I don't think you've listened. I heard two reasons given for approval of these resolutions.

One of them is it will help the business owners on Main Road. The only business owners on Main Road who came here today opposed the resolution. There are lots of others that opposed the resolution that are scared and would not come here today because they can't afford to take sides and for certain other reasons.

No business owners came here to say yes, this will help me whether parking easements, anything else- "

Councilman Gabrielsen: "You're absolutely wrong. I spoke with both of them and they want to work it out to their advantage and they said this could be a win-win if we get this parking thing. So don't say they were, I know these people."

Larry Simms: "This is not what they said to me."

Councilman Gabrielsen: "Well I'm not here to debate it. We (inaudible). Now you're spinning other people's statements. I think it's- "

Larry Simms: "Excuse me, you asked for a comment. You asked for a comment, I'm making a comment."

Councilman Gabrielsen: "You're making a comment. But I think you just- "

Larry Simms: "The second reason I heard today was that it's good for the tax base. Two of you said it's good for the tax base and I- it's beyond comprehension to me that after all we've discussed you don't understand that the tax base is the same whether you award the special permits or not."

The assessor has valued this property; 42,000 square feet is going to be built. She doesn't care what occupies those 42,000 square feet. So you are awarding the special permits for no gain. There is no change between the proposed plan and the alternate plan in terms of the tax base. So I'm suggesting to you, I'm telling you that I believe your reasons are false."

Councilman Dunleavy: "You said before that if we left it the way it is, retail store, they will never be built because they will not fill the retail stores up. So that means that the tax base would not be improved because the stores would not be built."

Larry Simms: "I'm sorry. So now you're making a judgment as to whether the plan is viable?"

Councilman Dunleavy: "One of the speakers said that. One of the speakers who got up- "

Larry Simms: "I understand that and I had that conversation with Jim and Jodi two weeks ago. What I was told is that it's not your job to evaluate a developer's business plan and I never said it

is. And I don't think your crystal ball is any better than mine.

What you're deciding on is the right to develop 42,000 square feet of space either way."

Councilman Dunleavy: "No. I listened to the speakers here today. They're the ones who said that, not me."

Councilman Gabrielsen: "And to add to this my response wasn't just to you, it was to all people. I generalize to all the taxpayers. There's people here today who spoke about cutting the project in half. Well then it would be a difference. I didn't specifically say to you, I was addressing everybody. It could affect if we cut it back, of course, the tax would go down. If we cut it in half when people said cut it in half. So I responded to everyone (inaudible)."

Larry Simms: "I understand. I am commenting only on the vote that took place today which was not a half sized project. It was not on a reduced project in any way. It was on a proposal and a plan B and the tax is the same either way and the justification the two of you gave for supporting the resolutions are false."

Councilman Gabrielsen: "One of them. One of many."

Larry Simms: "Thank you."

Councilman Dunleavy: "Anybody else?"

Tom Kowalsick: "Hi, Tom Kowalsick. I live right next door to the development. I see that you made some amendments and said something to the effect of the bistro would have to have wait staff."

Councilman Dunleavy: "Yes."

Tom Kowalsick: "So I don't think I've ever been to a McDonalds or a Burger King wait staff, but you left it open to Applebee's and- "

Councilman Dunleavy: "Applebee's is a restaurant. It's not a fast food restaurant. Applebee's is a restaurant. It's not, no."

Tom Kowalsick: "All right. But I'm just saying you set

precedent, okay. So there's a couple pieces of land that are vacant now in Jamesport, you set precedent- "

Councilman Wooten: (Inaudible)

Tom Kowalsick: "More importantly, I have to live next to now what you said okay to. I know earlier in these discussions several years back there was mention of, you know, how late would these things be open. Now I recall and I have to pouring through information, something about eleven o'clock.

Now what does this mean now as far as because, you know, you already have been dealing with complaints and lawyers in Jamesport for variances and for things like this.

Now what do I have to put up with that and how, you know- "

Councilman Wooten: "We can, well- (inaudible), well even the liquor if there's going to be wine, if there's any kind of spirits there, they'll go through the liquor authority and they can condition hours of operation that way.

We can condition site plan for outdoor entertainment (inaudible).

I still think all those can be addressed, all those issues. I think, Mr. Kowalsick, when all is said and done if this figure is built at all, it's going to be better for your property than (inaudible)."

Tom Kowalsick: "Well, I've got these questions because I read what I could of this recent answers to the draft environmental impact statement. Well, I mean we brought up odors because like I said we're sitting up on top of the land and it basically said it's taken care of. You know, you go through this whole process and that's the answer, it's taken care of. How is it taken care of?

I mean certainly if they said well, you know, we're installing this, that or whatever- "

Councilman Dunleavy: "I can't say it's taken care of because I don't know how it's taken care of."

Tom Kowalsick: "Well, you voted on it."

Councilman Dunleavy: "No, I don't know how the odors are going to be taken care of. I mean- we can't think of everything and you can't do everything and you can't mitigate everything. So you're going to have some odor. What it is, I don't know. It might be brewing coffee. You don't know.

Thank you.

Anybody else? If not, I'm going to make a motion that we close the meeting. So moved. Adjourned."

Meeting closed: 5:35 p.m.

*Deane M. Whelan*  
*Town Clerk*